

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: March 24, 2026

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Cindy Wright, Eric Johnson, Kurt Zehnder, Robert Schuldt, and Greg Myhre

Others Present: Interim Auditor/Treasurer Polly Heberlein, Fillmore County Journal Reporter Charlene Selbee, The Caledonia Argus Associate Editor Katia Gorsuch, Coordinator Brent Parker, Finance Director Carol Lapham, EDA Director & Coordinator Support Allison Wagner, Engineer Brian Pogodzinski, Interim Recorder Michelle Werner, Attorney Suzanne Bublitz, Fiscal Supervisor Heidi Harms, Public Health Supervisor Jordan Knoke, Bob Burns, Mark Klinski, and Yvonne Krogstad

Presiding: Chairperson Myhre

Call to order.

Pledge of Allegiance.

Commissioner Johnson said additional donations had come in for the Extension Tesmer Farm Safety Day that should be added to Action Item No. 7. Motion was made by Commissioner Zehnder, seconded by Commissioner Johnson, motion unanimously carried to approve the agenda with the update.

Motion was made by Commissioner Johnson, seconded by Commissioner Schuldt, motion unanimously carried to approve the regular meeting minutes from March 17, 2026.

Public Comment:

Yvonne Krogstad spoke to the board about a courtesy care for the airport. She said she believed people flying into the airport should have friends, or business partners pick them up. She said a courtesy car was an expense the taxpayers should not have to pay for.

APPOINTMENTS

At 9:05 a.m. a motion was made by Commissioner Johnson, seconded by Commissioner Wright, motion unanimously carried to open a public hearing regarding a proposal to change the offices of Recorder and Auditor/Treasurer from elected positions to appointed positions pursuant to Minnesota Statutes.

Coordinator Parker said a hearing needed to take place the day of the decision.

Yvonne Krogstad said making the position appointed would be taking away another right of the citizens of the County. She urged the board to leave the positions elected.

Bob Burns from Caledonia said when a person was elected you didn't know what you were going to get. He said the County could get a better quality employee by hiring someone. Burns said he thought it was okay to switch from elected to appointed. He said that way you know what you are getting.

Motion was made by Commissioner Johnson, seconded by Commissioner Schuldt, motion unanimously carried to come out of the public hearing and return to the regular session.

CONSENT AGENDA

Motion was made by Commissioner Zehnder, seconded by Commissioner Wright, motion unanimously carried to approve the consent agenda. Approved items are below.

- 1) Hire April Ledebuhr-Kerrigan as a 1 FTE Public Health Nurse (C42 – Step 3), with a start date of April 8, 2026.
- 2) Hire Thomas Pecinovsky as a 1 FTE Recycling Lead Worker (B23 – Step 3), with a start date of April 6, 2026.
- 3) Change the employment status of Daniel Coogan, Assistant County Attorney, from probationary to regular effective April 1, 2026.
- 4) Allow Public Health Supervisor to approve the MOU with Great Rivers United Way.

ACTION ITEMS

File No. 1 – The Commissioners discussed the possibility of approving Resolution No. 26-12 making the position of Auditor/Treasurer Appointed pursuant to Minnesota Statute § 375A.1205. Coordinator Parker said the vote would need to have a supermajority in order to pass. If it passed people would have an opportunity to petition against the change. Commissioner Wright said she had heard a lot from both sides. She said the County's HR department now had a process that was diligent in making sure people were performing their jobs. She said sometimes people ran for office and they were not qualified. Wright said she had researched for months what other counties were doing. Commissioner Schuldt said he believed that the people who had ran for the position in Houston County had been qualified. He said: "If it's not broke I don't think we should fix it". Commissioner Johnson said the decision was a tough one. He said in the beginning he had fought against the idea. He did have concerns about the position becoming a part of the union. Johnson said the rules for the department had gotten very complicated, and the State always had new rules that came down and needed to be followed. Commissioner Zehnder said it was an extremely tough decision, and that he needed to follow what the voters in his district wanted. Commissioner Myhre said he didn't mind changing the position from elected to appointed. He said he liked the idea that anyone from the County would be able to apply for the job if it was appointed. He said we are not shutting anybody off that way. Commissioner Wright moved, Commissioner Myhre seconded, to adopt Resolution No. 26-12 making the position of

Auditor/Treasurer appointed pursuant to Minnesota Statute § 375A.1205. The motion failed due to lack of a super majority. The Commissioners voted by roll. Commissioners Wright, Johnson, and Myhre voted yes. Commissioners Zehnder and Schuldt voted no. The position would stay an elected position.

File No. 2 – Commissioner Wright said she felt the same way about the recorder position as she did the auditor/treasurer position however she thought the County should remain consistent between the departments. Therefore, Commissioner Wright moved, Commissioner Zehnder seconded, motion unanimously carried to keep the County Recorder position elected and not change it to appointed. The Commissioners voted by roll. All Commissioners voted to keep the position elected.

File No. 3 – Interim Recorder Werner said the Recorder’s office had been receiving an increased number of phone calls concerning fraud in property transactions. Constituents were asking for a way to monitor their property. The County’s software vender did have a program that allowed alerts to be sent via email or text when a document had been recorded in an individual or business name. Other counties had the service and offered it free to constituents. Members of the public would need to sign up to receive an email or text. It was an after the fact notification, however if quick action was taken the hope was fraudulent activity could be caught and fixed. The Recorder’s office had money in their technology fund that could be used to pay for the service. Commissioner Zehnder moved, Commissioner Johnson seconded, motion unanimously carried to approve purchasing the Land Notification Program. The total initial cost would be \$11,000. The annual fee moving forward would be \$1,500.

File No. 4 – Commissioner Zehnder moved, Commissioner Schuldt seconded, motion unanimously carried to approve the low quotes from Ness Pumping and Porta Potty Rentals for both Wildcat Park and Bob Botcher Park. Quotes are below.

HOUSTON COUNTY, MINNESOTA
 BATHROOM QUOTE
 MARCH 13, 2026 2:00 P.M.

Wildcat Park Bathrooms			Ness Pumping & Porta Potty Rentals		Kimo's Pumping Service	
			Unit Price	Total \$	Unit Price	Total \$
	6 month rental of 4 bathrooms with service					
	3 Regular bathrooms	3	90.00	\$1,620.00		\$0.00
	1 Handicap bathroom	1	175.00	\$1,050.00		\$0.00
	Total for Bathrooms		445.00	\$2,670.00	458.20	\$2,749.20
	Sales Tax			\$183.56		\$189.00
	6 months			\$2,853.56		\$2,938.20

Bob Botcher Park Bathroom			Ness Pumping & Porta Potty Rentals		Kimo's Pumping Service	
			Unit Price	Total \$	Unit Price	Total \$
	6 month rental of 1 bathrooms with service	1	85.00	\$510.00	125.00	\$750.00
	Total for Bathrooms					
	6 months			\$510.00		\$750.00

File No. 5 – Commissioner Zehnder moved, Commissioner Johnson seconded, motion unanimously carried to approve a work order under MN Dot’s Master Partnership Contract to provide pavement markings for Houston County.

File No. 6 – Commissioner Johnson moved, Commissioner Schuldt seconded, motion unanimously carried to approve treated salt quantities for the State Cooperative Purchase contract.

File No. 7 – Commissioner Johnson moved, Commissioner Wright seconded, motion unanimously carried to accept donations to the Extension Tesmer Farm Safety Day in the amount of \$1,225.00 and additional donations of \$2,870.00. The Commissioners thanked those who donated for their generous donations.

File No. 8 – Commissioner Zehnder moved, Commissioner Wright seconded, motion unanimously carried to review and approve payments. Payments are below.

REQUEST APPROVAL FOR PAYMENT

2026/03/24 COMMISSIONER WARRANTS:

VENDOR NAME	AMOUNT
ABILITY BUILDING COMMUNITY	2,118.66
CALEDONIA OIL CO INC	3,502.00
CALEDONIA SNO GOPHERS CLUB	11,345.40

CONSOLIDATED ENERGY COMPANY	7,182.00
ENTERPRISE FM	4,776.47
HOUSTON-MONEY CREEK SNOWRIDERS	5,313.00
IMPERIAL DADE	2,380.88
INSIGHTSOFTWARE LLC	13,282.70
KWIK TRIP	4,154.63
LA CRESCENT TRAIL	4,138.20
LIBERTY TIRE RECYCLING LLC	3,913.10
RDO EQUIPMENT CO INC	12,392.59
SOUTH CENTRAL COLLEGE	3,944.22
TSG SERVER & STORAGE INC	29,950.00
VIKING RIDGE RIDERS	4,389.00
	112,782.85
22 VENDORS PAID LESS THAN \$2000.00	7,560.25
	120,343.10
PUBLIC HEALTH & HUMAN SERVICES	
	120,343.10

REVIEW LICENSE CENTER PAYMENTS

2026/03/13 AUDITOR WARRANTS:

VENDOR NAME	AMOUNT
AVENU INSIGHTS & ANALYTICS LLC	7,862.35
GOODHUE COUNTY SWCD	2,500.00
HAMMELL EQUIPMENT INC	26,900.00
TRANSCO INDUSTRIES INC	10,341.00
	47,603.35
16 VENDORS PAID LESS THAN \$2000.00	5,957.56
	53,560.91

DISCUSSION ITEMS

The Commissioners discussed recent and upcoming events and meetings including a Department Head, Solid Waste, AMC Legislative Update, Department of Public Health Sustainability Planning, and SELCO meeting.

Closing Public Comment:

None.

There being no further business, a motion was made by Commissioner Zehnder, seconded by Commissioner Johnson, motion unanimously carried to adjourn the meeting at 9:55 a.m. The next meeting would be a regular meeting on April 7, 2026.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: _____
Greg Myhre, Chairperson

Attest: _____
Brent Parker, Coordinator



HOUSTON COUNTY

BOARD OF COMMISSIONER MEETING

AGENDA REQUEST FORM

Historic Courthouse
304 S Marshall Street
Caledonia, MN 55921

Board Meeting Date: April 7th, 2026
Date Request Submitted: April 2, 2026
Submitted By (Name and Title): Brent Parker, Coordinator

Please fill in item(s) requested for agenda in correct category below. Add numbers as needed.

Appointment Request:

Consent Agenda Request:

- 1) Accept Retirement from Carrie O'heron effective May 29th, 2026, with 46 years of service.
- 2) Accept Retirement from Liza Jandt Effective June 4th, 2026, with 36 years of service.
- 3) Change the employment status of McKinley Sisson, Jailer/Dispatcher from probationary to regular, effective April 21, 2026.

Action Item Request:

- 1) Discussion and possible action regarding rifle ordinance.
- 2) Change the title and pay band of Jordan Knoke from Public Health Supervisor to Public Health Director (D-61 step 4) effective March 9th, 2026. This change is due to restructuring and not an open position.
- 3) Consider changing our current tax software to CPT (Counties Providing Technology).
- 4) Consider entering a three-year contract with Darktrace cyber security platform to further protect our network and data.

Background/additional information can be typed below and/or included with request:

Note: Please submit all agenda request forms and supporting documentation to the BOC email at **BOC@HoCoMN.gov** by noon the Thursday before each BOC meeting to be included on the agenda. If your department needs a resolution number, please ask for the number ahead of time via the BOC email. Resolutions should be emailed in word format so they can be easily copied and pasted into the meeting minutes. Departments are responsible for scheduling their own public hearings, but please email the BOC to verify a date and time is available prior to advertising the hearing to ensure we do not double book times. Questions regarding agenda requests and board meetings can be sent to the BOC email. Thank you!



509 Atlantic Ave., Morris, MN 56267
(320) 589-2110

Houston County MN
Quote to Purchase CPT Services
February 12, 2026

CPT Real Estate Tax Rewrite	\$50,000.00
Conversion	11,000.00
Installation	3,640.00
2026 Monthly Support	4,004.00
CPT CAMA**	\$5,000.00
 Installation	1,560.00
 2026 Monthly Support	387.00
Land Calc (Vanguard Import)	
2026 Monthly Support	\$128.00
CPT Tax Web Access Options (Monthly Charge Only)	
 Tax and Values	\$120.00
 Tax Statements	50.00
 Valuation Notices	50.00
 TNT Notices	50.00
 Appraisal Summary	50.00
CPT IFS (Support Only)	
 Installation	\$1,040.00
 2026 Monthly Support	254.00
iSeries Hosting (choice of Dedicated or Non-Dedicated)	
 Installation	\$3,000.00
 2026 Monthly support, <i>dedicated LPAR</i>	1,365.00
 2026 Monthly support, <i>non-dedicated LPAR</i>	820.00

****CAMA Mobile is available for an additional cost**

Your hosting monthly support insures Server OS maintenance, hardware maintenance, routine backup services utilizing a tier III location, User management and disaster recovery solution for your server.

Signature

Approval Date

Customer Name:	Houston County 304 South Marshall Street, Caledonia, Minnesota 55921 United States	Quote Ref:	Q-256749
Shipping Address:	304 South Marshall Street, Caledonia, Minnesota 55921 United States	Date Prepared:	03/31/26
Invoice Address:	304 South Marshall Street, Caledonia, Minnesota 55921 United States	Expiry Date:	04/26/26
Email: Email for Invoice Submission: Attn:	amilde@hocomn.gov		
Tax ID/ Business Registration/VAT No:	Andy Milde		

Darktrace Offering

Product/Services Description	SKU Code	Quantity	Term (Months)	Start Date	End Date	Annual Customer Price (USD)	Extended Customer Price (USD)
Platform Products							
Darktrace / NETWORK	DT-PL-PD-NE	351-400	36	05/01/26	04/30/29	24,678.39	74,035.17
Darktrace / IDENTITY	DT-PL-PD-ID	151-175	36	05/01/26	04/30/29	5,984.31	17,952.94
Darktrace Service							
Darktrace Security Operations Support	DT-SE-MN-SO	1	36	05/01/26	04/30/29	4,599.41	13,798.22
Deployment Usage							
Darktrace On-Prem Appliance (Medium)	DT-DP-PH-ME	1	36	05/01/26	04/30/29	3,333.36	10,000.08
Standard Services							
Darktrace / Installation Services	DT-IS	1	36	05/01/26	04/30/29	0.00	0.00
Darktrace Standard Support Services	DT-SIS	1	36	05/01/26	04/30/29	0.00	0.00
Total(USD)						38,595.47	115,786.41

Terms & Conditions	
1	The Usage Metrics set out in the above Offering Table are in the aggregate not in addition to any prior orders. In the event of conflict with any prior order the Usage Metrics set out above are determinative.
2	By signing this Product Order Form issuing a purchase order referencing this Product Order Form or otherwise accessing or using the Offering the Customer's use of the Offering shall be subject to the Darktrace Master Services Agreement included in the Appliance which can also be found at: https://www.darktrace.com/resources/legal-online-terms.pdf (Agreement).
3	Darktrace / NETWORK features core ActiveAI Security Platform capabilities to secure network environments: Real Time Detection, Autonomous Response, Cyber AI Analyst and Technical Support. Use of Darktrace / NETWORK is limited to within the IP Count band specified in the Usage Band column above ("Usage Metrics"). For such purposes, "IP Count" is calculated by taking the peak unique IP address values (with VLANs differentiated) in any 24-hour period in the last 28 days. Should Usage Metrics be exceeded additional Fees shall be payable.
4	Darktrace / NETWORK features core ActiveAI Security Platform capabilities to secure network environments: Real Time Detection, Autonomous Response, Cyber AI Analyst and Technical Support. Use of Darktrace / NETWORK is limited to within the IP Count band specified in the Usage Band column above ("Usage Metrics"). For such purposes, "IP Count" is calculated by taking the peak unique IP address values (with VLANs differentiated) in any 24-hour period in the last 28 days. Should Usage Metrics be exceeded additional Fees shall be payable.
5	Darktrace / IDENTITY features core ActiveAI Security Platform capabilities to secure users: Real Time Detection, Autonomous Response, Cyber AI Analyst and Technical Support. Darktrace / IDENTITY supports the following applications: Microsoft 365, Google Workspace, Salesforce, Box, Dropbox, Slack, Zoom, Duo, Okta, Egnyte, Jump Cloud, Asana, Cloudflare, Hubspot, NetSuite. Use of Darktrace / IDENTITY is limited to within the band of Active Users specified in the Usage Band column above ("Usage Metrics"). For the purposes of Darktrace / IDENTITY, an "Active User" consists of any object which can perform actions that are then reported by the API/logging of the 3rd-party product including but not limited to 3rd-party user accounts 3rd-party apps and other 3rd-party identities. The number of Active Users is calculated by taking the peak number of Active Users over all configured and applicable modules within Darktrace / IDENTITY seen over a 28-day period. Should Usage Metrics be exceeded additional Fees shall be payable.
6	The Offering is made available on the basis of the relevant Product Specification Service Definition or other technical documentation (as applicable). Product Specifications and Service Definitions are found at: https://darktrace.com/legal/product-specifications-and-service-definitions whilst other technical documentation can be found via the Customer Portal.
7	If Customer requires a purchase order it must be sent at the time of acceptance of this Product Order Form and be for the full contract value. If it is not received Darktrace shall be entitled to invoice without it.
8	Fees are exclusive of any applicable sales tax goods and services tax withholding tax or VAT. Fees will be invoiced annually in advance. Payment terms Net 30 .
9	Acceptance of this Product Order Form is expressly limited to the terms of Darktrace's offer. Once accepted the terms and conditions of this Product Order Form and the Agreement will be the complete and exclusive statement of the agreement between the parties. Any modifications proposed by Customer are expressly rejected by Darktrace and shall not become part of the Agreement in the absence of Darktrace's written acceptance.
10	This Product Order Form may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. Transmission of the executed counterpart of this Product Order Form by email (in PDF JPEG or other agreed format) shall take effect as delivery of an executed counterpart.
11	Any Darktrace platform line pricing is conditional on all of the subscriptions being purchased and is offered on a combined basis, and as such, will be invoiced as a single subscription line on relevant invoice(s).

For Customer:

Signature: _____
 Name: Andy Milde
 Job Title: IT Director
 Signature Date: _____

("Effective Date")

For Darktrace:

Signature: _____
 Name: _____
 Job Title: _____
 Signature Date: _____



HOUSTON COUNTY

BOARD OF COMMISSIONER MEETING

AGENDA REQUEST FORM

Historic Courthouse
304 S Marshall Street
Caledonia, MN 55921

Board Meeting Date: 4/7/2026

Date Request Submitted: 4/2/2026

Submitted By (Name and Title): Amelia Meiners, Environmental Services Director

Please fill in item(s) requested for agenda in correct category below. Add numbers as needed.

Appointment Request:

Consent Agenda Request:

Action Item Request:

Final approval/denial by the County Board for the following applications:

- 1) Consider approving or denying a Conditional Use Permit (CUP) for Scott Standish for a single-family non-farm dwelling on less than 40 acres in the Agricultural Protection District in Mayville Township.
- 2) Consider approving or denying a Conditional Use Permit (CUP) for Gabriel Howe for a single-family non-farm dwelling on less than 40 acres in the Agricultural Protection District in Yucatan Township.
- 3) Consider approving or denying a Conditional Use Permit (CUP) for Thomas and Colleen Niebeling for substantial land alteration and excavation in floodplain.
- 4) Consider approving or denying a Text Amendment to the Zoning Ordinance on mine density standards for Burns & Hansen, P.A. on behalf of Cory and Jackie Baker, Scott Hatleli and Cindy Cresswell-Hatleli, and Rosemary Iversen.

Discussion Item:

Background/additional information can be typed below and/or included with request:

The agenda, hearing notices, findings, and board packets are included with this request.

The Planning Commission meeting was on 3/26/2026. The Planning Commission recommended the BOC approve the CUP requests for Scott Standish, Gabriel Howe, and Thomas and Colleen Niebeling.

The Text Amendment request will be presented as a failed motion due to the lack of a second.

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**HOUSTON COUNTY
BOARD OF ADJUSTMENT AND
PLANNING COMMISSION
AGENDA
Thursday, March 26, 2026**

*Hearings are in the Houston County Commissioner's Room.
Please enter through the west entrance. Doors will open at 4:45 pm.*

BOARD OF ADJUSTMENT

Approve Minutes for February 26, 2026.
Elect Chair and Vice Chair for 2026.

VARIANCE HEARINGS:

- 4:00 pm ***Randolph & Sherry Pitzer – Sheldon Township***
Variance to reduce front yard setback requirements for a proposed dwelling
(Section 15-15.6, Subd. 3).
- 4:15 pm ***Timmie & Kelly Meyer – Caledonia Township***
Variance to reduce front yard setback requirements for a proposed dwelling addition
(Section 14-14.7, Subd. 1).
- 4:30 pm ***Joshua Dahl – Yucatan Township***
1) Variance to reduce front yard setback requirements for a proposed ag building
(Section 14-14.7, Subd. 3).
2) Variance to reduce property line setback requirements for a proposed ag building
(Section 14-14.8, Subd. 1).
- 4:45 pm ***Scott Standish – Mayville Township***
Variance to reduce front yard setback requirements for a proposed dwelling
(Section 14-14.7, Subd. 2).
- 5:00 pm ***Gabriel Howe – Yucatan Township***
1) Variance to reduce setback requirements for a proposed dwelling from an existing
feedlot (Section 33.16, Subd. 6).
2) Variance to reduce setback requirements for an existing accessory structure to a
property line (Section 14-14.8, Subd. 1).

PLANNING COMMISSION

Approve Minutes for February 26, 2026.

CONDITONAL USE HEARINGS:

- 5:20 pm ***Scott Standish – Mayville Township***
Conditional Use Permit to build a dwelling in an Agricultural Protection District
(Section 14-14.3, Subd. 1, Subs. 10).

5:40 pm ***Gabriel Howe – Yucatan Township***
Conditional Use Permit to build a dwelling in an Agricultural Protection District
(Section 14-14.3, Subd. 1, Subs. 10).

6:00 pm ***Thomas & Colleen Niebeling – Mound Prairie Township***
1) Conditional Use Permit for substantial land alteration in an Agricultural
Protection District (Section 24-24.2, Subd. 1).
2) Conditional Use Permit for work within the Floodplain District (Section 21-21.5,
Subd. 3 (2)).

ZONING AMENDMENT HEARINGS:

6:20 pm ***Burns & Hansen, P.A. on behalf of Cory & Jackie Baker, Scott & Cindy Hatleli, and
Rosemary Iversen – Houston County Zoning Ordinance Text Amendment***
Request to modify the following Ordinance section:

SECTION 27.8 – Operational Performance Standards
Change mine density standard language from “industrial mineral” mine to “sand” mine
(Section 27.8, Subd. 1 (5)).

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Scott Standish, 8201 County 249, Caledonia, MN 55921, for a Conditional Use Permit to build a dwelling on under 40 acres in the Agricultural Protection District (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 10) in Mayville Township on the following premises, to-wit:

PT SE1/4 NE1/4, Section 22, Township 102, Range 5, Houston County, Minnesota. (Parcel #09.0237.002)

Said applicant standing and making application is as fee owner of said described lands.

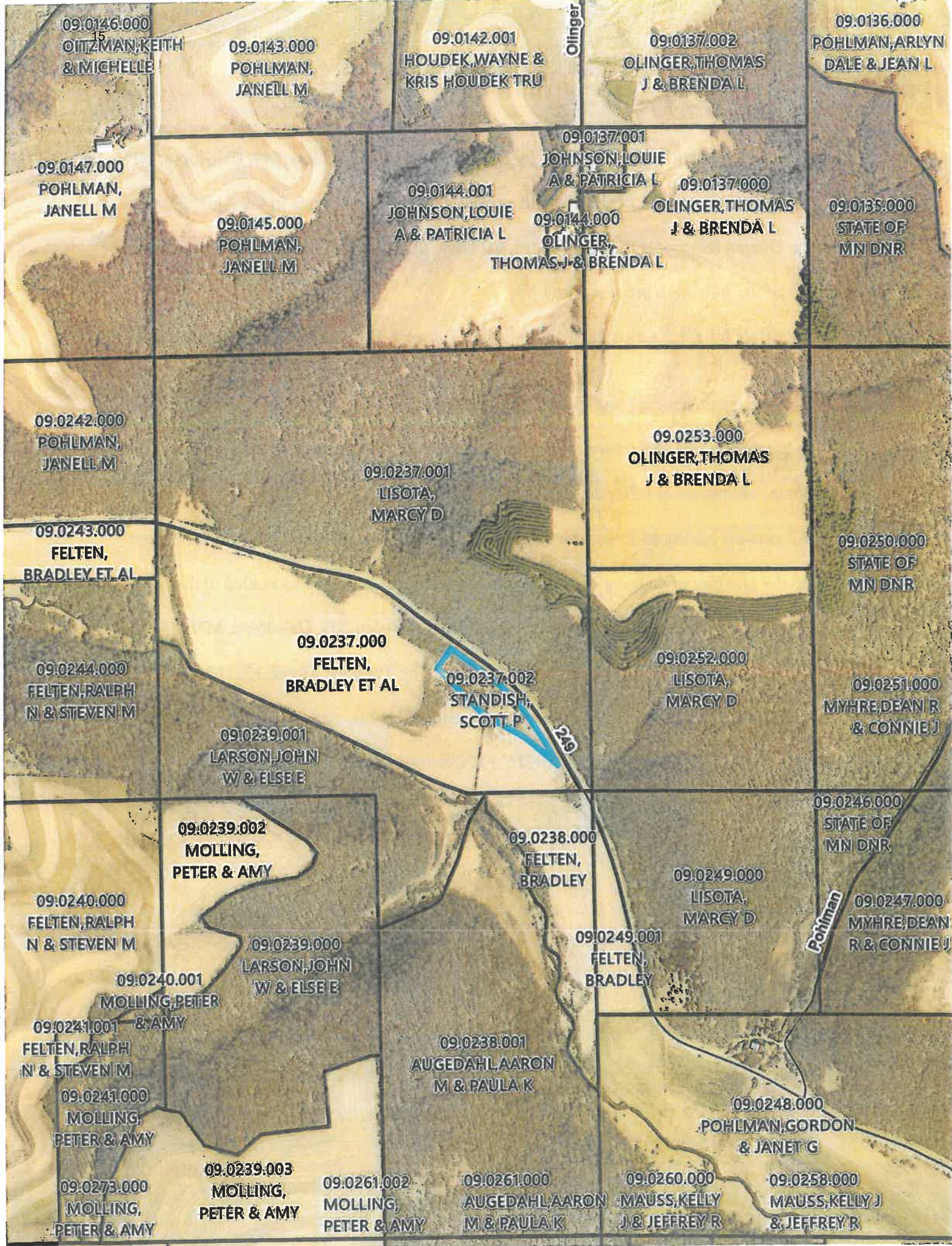
A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:20 p.m. on Thursday, March 26, 2026.

All persons having an interest in the matter may attend the hearing or submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street – Room 209, Caledonia, MN 55921, or emailed to Zoning@HoCoMN.gov, and must be received by Tuesday, March 17, 2026 to be included for review prior to the hearing. All comments are considered public record.

HOUSTON COUNTY PLANNING COMMISSION

By Amelia Meiners
Zoning Administration

ADV: March 11, 2026



CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***Scott Standish*** DATE: ***March 26, 2026***

C.U.P. REQUESTED: ***To build a single-family non-farm dwelling on less than 40 acres in the Agricultural Protection District.***

FINDINGS OF FACT

Section 11.05 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The Land Use Plan promotes the rehabilitation of existing older homes. However, sometimes issues exist that cannot be remediated but utilizing an existing building site meets the same intent.

Board agreed to the finding by a unanimous vote.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: The applicant purchased the property with the intent to rebuild but with time it took to clean up the site the non-conforming rights were lost.

Board agreed to the finding by a unanimous vote.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: The applicant has removed multiple buildings along with the original dwelling and the clean up of deteriorating or older structures that may have had hazardous materials will help protect groundwater, especially in a potentially vulnerable area such as this. Preliminary septic work has been completed and is under review and an erosion control plan will be approved prior to any construction. Those items should ensure additional securities for protection of water quality.

Board agreed to the finding by a unanimous vote.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any stormwater runoff concerns before, during and after construction, but the replacement of a single-family dwelling should not increase impervious surface beyond what existed at this site previously.

Board agreed to the finding by a unanimous vote.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: The Soil Survey – Houston County identifies slope as the main limitation for building sites on 388D2 soils due to it requiring extensive land shaping but with proper construction it can accommodate this use.

Board agreed to the finding by a unanimous vote.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: Adequate treatment of septage is likely the biggest potential pollution hazard, but a septic designer must design and install a system meeting minimum state standards. The design has been submitted to the County and is under review.

Board agreed to the finding by a unanimous vote.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: This is an existing building site so utilities and access roads are present. In addition, drainage work was previously completed and post-construction stormwater management will need to meet the approved erosion control plan.

Board agreed to the finding by a unanimous vote.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: There is sufficient off-street parking to accommodate typical residential use.

Board agreed to the finding by a unanimous vote.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: The primary use of the surrounding acreage is agricultural in nature and the replacement of a single-family dwelling will not impact that use.

Board agreed to the finding by a unanimous vote.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: This dwelling meets the density standard in the ag protection district and will not impact surrounding agricultural fields and recreational land. Orderly development meeting ordinance standards can still take place.

Board agreed to the finding by a unanimous vote.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: N/A

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: This request meets the required agricultural protection district density limitations.

Board agreed to the finding by a unanimous vote.

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: A non-farm dwelling should not negatively affect the public's health, safety, morals and general welfare if constructed according to the approved erosion control plan and septic design requirements.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Larry Gaustad made a motion to accept the findings as presented. Josh Gran seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the conditional use request if there were no additional comments or questions.

Josh Gran made a motion to recommend the Houston County Board approve a Conditional Use Permit for a single-family non-farm dwelling on less than 40 acres in the Agricultural Protection District with two conditions in Mayville Township:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

Larry Gaustad seconded. A roll call vote was taken. All were in favor. Motion carried.

The application, with the conditions, will be presented to the Houston County Board of Commissioners for final action.



HOUSTON COUNTY ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning
304 South Marshall Street – Room 209, Caledonia, MN 55921
Phone: (507) 725-5800 • Fax: (507) 725-5590



STAFF REPORT 3/17/2026

Application Date: 2/5/2026
Hearing Date: 3/26/2026
Petitioner: Scott Standish
Reviewer: Amelia Meiners
Zoning: Ag Protection
Address: 8201 County 249
Township: Mayville
Parcel Number: 090237002
Submitted Materials: CUP Application

OVERVIEW

REQUEST

The applicant is seeking a conditional use permit to build a dwelling on less than 40 acres in the agricultural protection district of Mayville Township.

SUMMARY OF NOTEWORTHY TOPICS

This is a 2.82-acre parcel off CSAH 249 in Mayville Township about three miles east of Caledonia. The applicant purchased the parcel in 2022 and removed the dwelling and some accessory structures (see Fig. 1 below). The original structure predated zoning and was considered a farm dwelling. The ordinance requires that houses be occupied eight out of the last ten years to retain their dwelling status so the time lapse since the house was removed requires that it conform to the ordinance. Since this parcel is under 40 acres that means a conditional use permit is required.

HOUSTON COUNTY ZONING ORDINANCE (HCZO)

SECTION 3.6 DEFINITIONS

Subdivision 2.

Dwelling. A building or portion thereof designed exclusively for residential occupancy; the term does not include hotels, motels, boarding or rooming houses, bed and breakfast, tourist homes, tents, tent trailers, travel trailers or recreational vehicles. For buildings ten years old or older, to be considered a dwelling, a building must have been residentially occupied for eight of the last ten years.

The HCZO Section 14.3 subd.1 (10) requires the following for non-farm dwellings:

- (10) Dwellings. Single-family non-farm dwellings subject to the following:
- (a) No more than one (1) dwelling per quarter-quarter section.

(b) Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.

(c) Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.

(d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.

(e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.



Figure 1. Aerial imagery from 2020 showing the original structures.



Figure 2. Aerial imagery from 2023 after the original dwelling was removed.

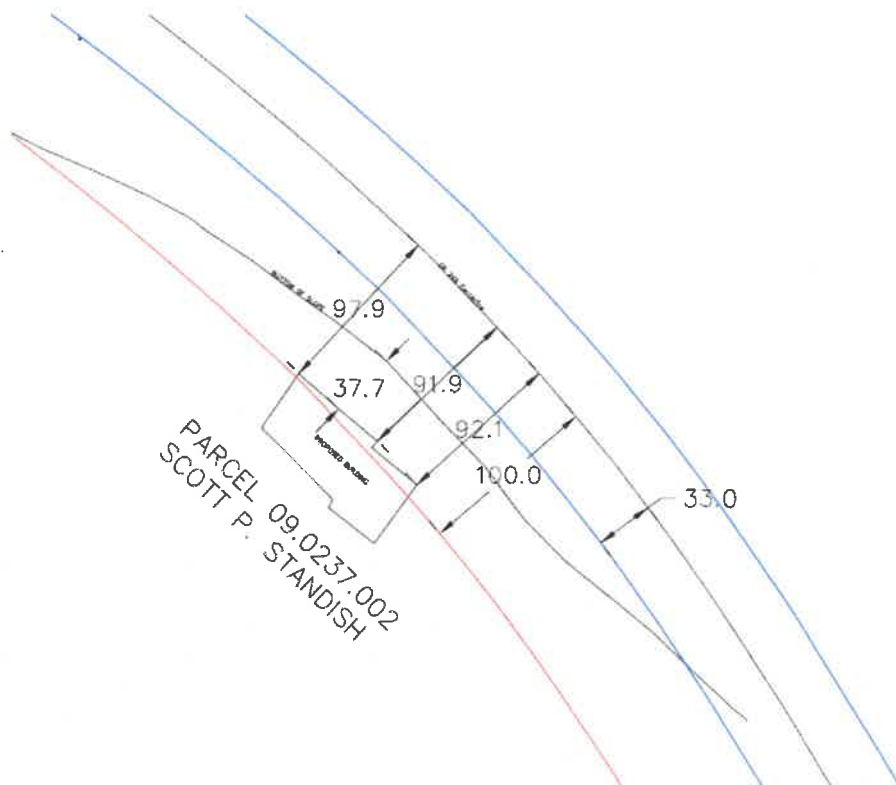


Figure 3. Proposed dwelling location. Building site location was gathered by the County Highway Department.

Further, the applicant should understand the purpose of the agricultural protection district is to retain land for agricultural production and these regulations are intended to minimize incompatibility between these residential and agricultural uses.

SECTION 14 - AGRICULTURAL PROTECTION DISTRICT

14.1 PURPOSE AND PUBLIC NOTICE

Subdivision 1. Purpose. *The purpose of the Agricultural Protection District is to provide a district that will:*

- (1) Retain, conserve, and enhance agricultural land in the County for agricultural uses.*
- (2) Protect and preserve natural resources and environmentally sensitive areas.*
- (3) Restrict scattered non-farm residential development in order to minimize incompatibility between agricultural uses and residential use, and to conserve the expenditure of public funds for new roads, road maintenance, schools, police and fire protection necessary to service scattered residential development.*

Subdivision 2. Public Notice. *Persons choosing to reside in the Agricultural Protection District are hereby notified that the agricultural district is a zoning district in which land is used principally and foremost for agricultural production.*

Subdivision 3. Discomfort Resulting From Agricultural Uses. *Owners, residents, and other uses of property in the Agricultural Protection District or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to the following:*

- (1) Noise, odors, dust, and hours of operation.*
- (2) The operation of machinery, including aircraft.*
- (3) The production, storage and land application of animal manure.*
- (4) The application of fertilizers, soil amendments, herbicides, and pesticides.*

Owners, residents, and users of property in the Agricultural Protection District, or neighboring property should be prepared to accept such inconveniences or discomfort as they occur from agricultural uses and are hereby notified that this declaration may prevent them from obtaining a legal judgment against such agricultural uses.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Mayville Township and the ten nearest property owners were notified. No comments were received.

SITE CHARACTERISTICS

The SE ¼ NE ¼ of Section 22 in Mayville Township is an open quarter-quarter. The previous dwelling was removed and the site has been prepared for the new build.

A non-farm dwelling cannot be located on prime agricultural soil unless it's in an area that has not been in production or a government program for a period of ten or more years. The soil in this area is classified as 388D2, which is considered marginal. There is no wetland or bluff concern with the building site or existing driveway. Crooked Creek is about 650 feet to the south and much of the valley is floodplain. Floodplain will be reviewed in greater detail during the building permit process. The landowner has already had a surveyor onsite to establish the regulatory flood protection elevation.



Figure 4. FEMA floodplain is shown in blue.

The building site was leveled out and the driveway meets the slope requirement in addition to the buildable lot standard.

There is no mine within 1,000 feet or a registered feedlot within a quarter mile. Preliminary septic work has been completed and the design is under review.

EVALUATION

Section 11.05 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The Land Use Plan promotes the rehabilitation of existing older homes. However, sometimes issues exist that cannot be remediated but utilizing an existing building site meets the same intent.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: The applicant purchased the property with the intent to rebuild but with time it took to clean up the site the non-conforming rights were lost.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: The applicant has removed multiple buildings along with the original dwelling and the clean up of deteriorating or older structures that may have had hazardous materials will help

protect groundwater, especially in a potentially vulnerable area such as this. Preliminary septic work has been completed and is under review and an erosion control plan will be approved prior to any construction. Those items should ensure additional securities for protection of water quality.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any stormwater runoff concerns before, during and after construction, but the replacement of a single-family dwelling should not increase impervious surface beyond what existed at this site previously.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: The Soil Survey – Houston County identifies slope as the main limitation for building sites on 388D2 soils due to it requiring extensive land shaping but with proper construction it can accommodate this use.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: Adequate treatment of septage is likely the biggest potential pollution hazard, but a septic designer must design and install a system meeting minimum state standards. The design has been submitted to the County and is under review.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: This is an existing building site so utilities and access roads are present. In addition, drainage work was previously completed and post-construction stormwater management will need to meet the approved erosion control plan.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: There is sufficient off-street parking to accommodate typical residential use.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: The primary use of the surrounding acreage is agricultural in nature and the replacement of a single-family dwelling will not impact that use.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: This dwelling meets the density standard in the ag protection district and will not impact surrounding agricultural fields and recreational land. Orderly development meeting ordinance standards can still take place.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: N/A

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: This request meets the required agricultural protection district density limitations.

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: A non-farm dwelling should not negatively affect the public's health, safety, morals and general welfare if constructed according to the approved erosion control plan and septic design requirements.

RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

Proposed motion: Recommend granting a Conditional Use Permit for a single-family dwelling on under 40 acres with two conditions.

Conditional Use Request
2026-CUP-545195

Amount Paid
\$0.00

Number
2026-CUP-545195

STANDISH,SCOTT P |
090237002 | Mayville
Submitted by Scott Standish on
2/5/2026



Applicant Created Status
Scott Standish February 5, 2026 In Progress

Applicant

Scott Standish



Search Parcel Data Completed On Thursday, February 5, 2026 at 12:04 PM CST by michelleburt13

ParcelID	Address	City	OwnerName	Acres
090237002	8201 COUNTY 249	CALEDONIA	STANDISH,SCOTT P	2.820

CONDITIONAL USE INTRO Completed On Thursday, February 5, 2026 at 12:04 PM CST by michelleburt13

Conditional Use Application Fee

\$700.00

Recording Fee

\$46.00

Application Type:

Conditional Use

APPLICANT INFORMATION Completed On Thursday, February 5, 2026 at 12:05 PM CST by michelleburt13

Applicant Name

STANDISH,SCOTT P

Parcel Tax ID

090237002

Telephone Number



Address

8201 COUNTY 249

City

CALEDONIA

Zip

Legal Description

PT SE1/4 NE1/4 COM 260.22 FT NW OF E 1/4 COR; NW 733 FT; NE136.98 FT; TH SE ALONG COUNTY

Section-Township-Range

22-102-005

Do you own additional adjacent parcels

No

Township of:

Mayville

I understand I am required to inform my township of my application.

Yes

CONDITIONAL USE REQUEST Completed On Thursday, February 5, 2026 at 12:10 PM CST by michelleburt13

Describe in detail your request.

Build a single-family dwelling on less than 40 acres in the Agricultural Protection District.

This is an existing building site that had a dwelling at one point but since the property has not been occupied for some time this application will bring the property into compliance for a new dwelling.

Citation of Ordinance Section from which the Conditional Use is requested:

Section 14-14.3, Subd. 1, Subs. 10

Requested Dimension:

Please upload any supporting documents:

CONDITIONAL USE FINDING OF FACTS Completed On Thursday, February 5, 2026 at 12:32 PM CST by michelleburt13

1. That the proposed use conforms to the County Land Use Plan.

Yes

Comments:

The proposed dwelling will be located on an existing building site, so there will be no disturbance to agricultural land.

2. That the applicant demonstrates a need for the proposed use.

Yes

Comments:

There was a dwelling on the property at one point but there has been a lapse in occupancy, so the property needs to be brought up to current standards in order to be considered compliant.

3. That the proposed use will not degrade the water quality of the County.

Yes

Comments:

The main contaminant with a dwelling would be a septic system and the applicants have been working with the Zoning Department and a septic contractor to finalize a septic system to ensure a proper location, design, and install.

4. That the proposed use will not adversely increase the quantity of water runoff.

Yes

Comments:

This is an existing building site, so minimal dirt work was required. An erosion control plan will be completed with the building permit application and the recommendations by the SWCD will be followed.

5. That soil conditions are adequate to accommodate the proposed use.

Yes

Comments:

The proposed dwelling will be placed on the existing building site and there will be no disturbance to agricultural land.

6. That potential pollution hazards have been addressed and standards have been met.

Yes

Comments:

A septic application has been submitted and reviewed by the County. The applicants are working with a septic contractor to get the system installed.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes

Comments:

All necessary utilities already existing on the property. A new septic system will be installed.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes

Comments:

The proposed use of the property is for a residence in the agricultural district, so there will be no need for off-street parking. There is an existing driveway and parking space on the property.

9. That adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Yes

Comments:

The property will only be accessed for residential vehicles only. There should be reason for traffic congestion or traffic hazard. The applicants have talked to the Highway Department regarding road setback.

10. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Yes

Comments:

The proposed use should not be injurious to the use and enjoyment of other property in the vicinity since the surrounding property is agricultural land that is currently in production, wooded areas with steep slope, or areas located in floodplain.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Yes

Comments:

There are limited areas for building sites due to floodplain and steep slopes. The land around this property is currently used for agricultural purposes.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Yes

Comments:

The request is for a single-family dwelling, so there should be no offensive odor, fumes, dust, or noise that would be considered a nuisance to neighboring properties.

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

Yes

Comments:

There are no dwellings in close proximity to the proposed dwelling location.

14. That the density of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.

N/A

Comments:

N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Yes

Comments:

There should be no impact to the public's health, safety, morals, or general welfare.

SITE PLAN INFORMATION Completed On Thursday, February 5, 2026 at 12:32 PM CST by michelleburt13

Upload Site Plan

Use the Interactive Map to Ceate a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

Sketch Layer

Reference Layer

Mapproxy



Powered by Esri

Use the space below to include site plan comments, if necessary

APPLICATION SUBMITTAL Completed On Thursday, February 5, 2026 at 12:33 PM CST by michelleburt13

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.

Yes

By checking this box, I certified that I have notified my town board of my application.

By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.

Yes

Signature



Date Signed:

2/5/2026

Check this box if Staff Signature on behalf of Applicant.

No

Email APPLICATION SUBMITTAL Completed On Thursday, February 5, 2026 at 12:33 PM CST by michelleburt13

External Notes

Documents

Internal Notes

Documents

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Gabriel Howe, 22887 Bridge Creek Rd, Rushford, MN 55971, for a Conditional Use Permit to build a dwelling on under 40 acres in an Agricultural Protection District (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 10) in Yucatan Township on the following premises, to-wit:

PT SE1/4 NE1/4, Section 19, Township 103, Range 7, Houston County, Minnesota. (Parcel #17.0237.002)

Said applicant standing and making application is as fee owner of said described lands.

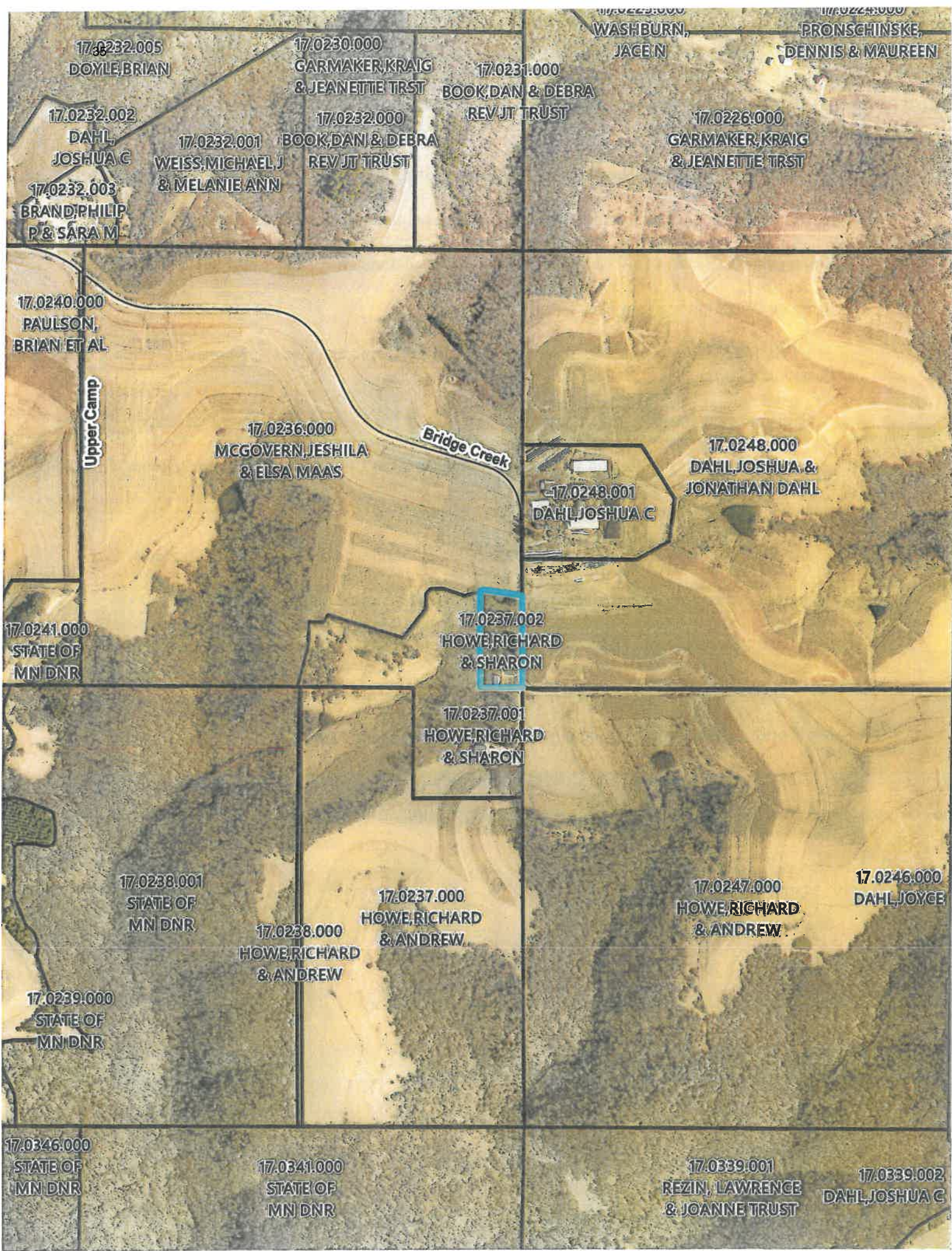
A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:40 p.m. on Thursday, March 26, 2026.

All persons having an interest in the matter may attend the hearing or submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street – Room 209, Caledonia, MN 55921, or emailed to Zoning@HoCoMN.gov, and must be received by Tuesday, March 17, 2026 to be included for review prior to the hearing. All comments are considered public record.

HOUSTON COUNTY PLANNING COMMISSION

By Amelia Meiners
Zoning Administration

ADV: March 11, 2026



17.0232.005
DOYLE, BRIAN

17.0230.000
GARMAKER, KRAIG
& JEANETTE TRST

17.0231.000
BOOK, DAN & DEBRA
REV JT TRUST

17.0229.000
WASHBURN,
JACE N

17.0224.000
PRONSCHINSKE,
DENNIS & MAUREEN

17.0232.002
DAHL,
JOSHUA C

17.0232.001
WEISS, MICHAEL J
& MELANIE ANN

17.0232.000
BOOK, DAN & DEBRA
REV JT TRUST

17.0226.000
GARMAKER, KRAIG
& JEANETTE TRST

17.0232.003
BRAND, PHILIP
& SARA M

17.0240.000
PAULSON,
BRIAN ET AL

Upper Camp

17.0236.000
MCGOVERN, JESHILA
& ELSA MAAS

Bridge Creek

17.0248.000
DAHL, JOSHUA &
JONATHAN DAHL

17.0248.001
DAHL, JOSHUA C

17.0241.000
STATE OF
MN DNR

17.0237.002
HOWE, RICHARD
& SHARON

17.0237.001
HOWE, RICHARD
& SHARON

17.0238.001
STATE OF
MN DNR

17.0237.000
HOWE, RICHARD
& ANDREW

17.0238.000
HOWE, RICHARD
& ANDREW

17.0247.000
HOWE, RICHARD
& ANDREW

17.0246.000
DAHL, JOYCE

17.0239.000
STATE OF
MN DNR

17.0346.000
STATE OF
MN DNR

17.0341.000
STATE OF
MN DNR

17.0339.001
REZIN, LAWRENCE
& JOANNE TRUST

17.0339.002
DAHL, JOSHUA C

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***Gabriel Howe*** DATE: ***March 26, 2026***

C.U.P. REQUESTED: ***To build a single-family non-farm dwelling on less than 40 acres in the Agricultural Protection District.***

FINDINGS OF FACT

Section 11.05 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The Land Use Plan promotes the rehabilitation of existing older homes. However, sometimes issues exist that cannot be remediated but utilizing an existing building site meets the same intent.

Board agreed to the finding by a unanimous vote.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: This proposal will allow the applicant to replace the original structure that occupied this property.

Board agreed to the finding by a unanimous vote.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: An erosion control plan has been approved and strict adherence is required to mitigate runoff concerns during and post construction. There will be a slight increase in impervious surfaces due to the larger dwelling and slight extension of the driveway (although some accessory buildings have been removed) but overall landscaping will remain consistent with existing conditions and should provide an adequate buffer for any stormwater runoff from the site.

Board agreed to the finding by a unanimous vote.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before, during and after construction, but the replacement of a single-family dwelling should not adversely increase the quantity of water runoff. With the structures that have been removed from the site there is likely only a slight increase in impervious surface with this proposal.

Board agreed to the finding by a unanimous vote.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: The Soil Survey – Houston County identifies both 103B and 580C2 soils as suitable for building site development but recommend that the building be designed to conform to the natural slope of the land. Silt loams are the common soil type in Houston County.

Board agreed to the finding by a unanimous vote.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: The septic system was replaced at this site in 2020, and the applicant has had it inspected to ensure it is still in compliance with MPCA minimum requirements set forth to protect public health.

Board agreed to the finding by a unanimous vote.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: This is an existing building site so all utilities and access roads exist on the property but will be extended to the new structure.

Board agreed to the finding by a unanimous vote.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: There is sufficient off-street parking to accommodate typical residential use.

Board agreed to the finding by a unanimous vote.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: The primary use of the surrounding acreage is agricultural in nature, including a couple farm dwellings, and the replacement of a single-family dwelling will not impact those uses.

Board agreed to the finding by a unanimous vote.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: This dwelling meets the density standard in the ag protection district and continues a historical use of the property so will not impact surrounding agricultural fields and recreational land. Orderly development meeting ordinance standards can still take place on surrounding property.

Board agreed to the finding by a unanimous vote.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: N/A

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: This request meets the required agricultural protection district density limitations.

Board agreed to the finding by a unanimous vote.

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: The replacement of a dwelling should not negatively affect the public's health, safety, morals and general welfare if constructed in accordance with the approved erosion control plan.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Larry Gaustad made a motion to accept the findings as presented. Richard Schild seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the conditional use request if there were no additional comments or questions.

Josh Gran made a motion to recommend the Houston County Board approve a Conditional Use Permit for a single-family non-farm dwelling on less than 40 acres in the Agricultural Protection District with three conditions in Yucatan Township:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permitholder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The applicant acknowledges there may be discomforts resulting from agricultural uses.

Eric Johnson seconded. A roll call vote was taken. All were in favor. Motion carried.

The application, with the conditions, will be presented to the Houston County Board of Commissioners for final action.



HOUSTON COUNTY ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning
304 South Marshall Street – Room 209, Caledonia, MN 55921
Phone: (507) 725-5800 • Fax: (507) 725-5590



STAFF REPORT

3/17/2026

Application Date: 2/17/2026
Hearing Date: 3/26/2026
Petitioner: Gabriel Howe
Reviewer: Amelia Meiners
Zoning: Ag Protection
Address: 22887 Bridge Creek Rd
Township: Yucatan
Parcel Number: 17.0237.002
Submitted Materials: CUP Application

OVERVIEW

REQUEST

The applicant is seeking a conditional use permit to build a dwelling on less than 40 acres in the agricultural protection district of Yucatan Township.

SUMMARY OF NOTEWORTHY TOPICS

This is a 3.35-acre parcel off Bridge Creek Road in Yucatan Township about six miles southeast of Rushford. The applicant purchased the parcel from his uncle and removed the existing dwelling and some accessory structures. The original structure predated zoning and was originally considered a farm structure. The split to a smaller parcel raised questions about the non-conforming use classification and rather than split hairs the landowner opted to complete the conditional use process to ensure the site is clearly in compliance in the future.

The Houston County Zoning Ordinance (HCZO) 14.3 subd.1 (10) requires the following:

(10) Dwellings. Single-family non-farm dwellings subject to the following:

- (a) No more than one (1) dwelling per quarter-quarter section.*
- (b) Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.*
- (c) Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.*
- (d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land*

which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.

(e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.

Further, the applicant should understand the purpose of the agricultural protection district is to retain land for agricultural production and these regulations are intended to minimize incompatibility between these residential and agricultural uses.

SECTION 14 - AGRICULTURAL PROTECTION DISTRICT

14.1 PURPOSE AND PUBLIC NOTICE

Subdivision 1. Purpose. *The purpose of the Agricultural Protection District is to provide a district that will:*

- (1) Retain, conserve, and enhance agricultural land in the County for agricultural uses.*
- (2) Protect and preserve natural resources and environmentally sensitive areas.*
- (3) Restrict scattered non-farm residential development in order to minimize incompatibility between agricultural uses and residential use, and to conserve the expenditure of public funds for new roads, road maintenance, schools, police and fire protection necessary to service scattered residential development.*

Subdivision 2. Public Notice. *Persons choosing to reside in the Agricultural Protection District are hereby notified that the agricultural district is a zoning district in which land is used principally and foremost for agricultural production.*

Subdivision 3. Discomfort Resulting From Agricultural Uses. *Owners, residents, and other uses of property in the Agricultural Protection District or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to the following:*

- (1) Noise, odors, dust, and hours of operation.*
- (2) The operation of machinery, including aircraft.*
- (3) The production, storage and land application of animal manure.*
- (4) The application of fertilizers, soil amendments, herbicides, and pesticides.*

Owners, residents, and users of property in the Agricultural Protection District, or neighboring property should be prepared to accept such inconveniences or discomfort as they occur from agricultural uses and are hereby notified that this declaration may prevent them from obtaining a legal judgment against such agricultural uses.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Yucatan Township and the ten nearest property owners were notified. No comments were received.

SITE CHARACTERISTICS

The SE ¼ NE ¼ of Section 19 is an open quarter-quarter. The original dwelling has been removed to allow for this one.

A non-farm dwelling cannot be located on prime agricultural soil unless it's in an area that has not been in production or a government program for a period of ten or more years. The soil in this area is classified as 103B, 580C2 and close to 103C2, all of which are considered prime, but are within the existing farmstead. There is no floodplain, wetland, shoreland, or bluff concern with the building site or existing driveway. The

closest intermittent streams are approximately 1,500 feet away, one to the west and one to the southeast. These flow to Girl Scout Camp Creek and then the South Fork of the Root River.

Slopes at the building site are under 12% and the location meets the buildable lot standard.

There is no mine within 1,000 feet but a variance for a feedlot setback is required and being reviewed by the Board of Adjustment. The septic system was replaced at this site in 2020 and will be reused for the new dwelling.

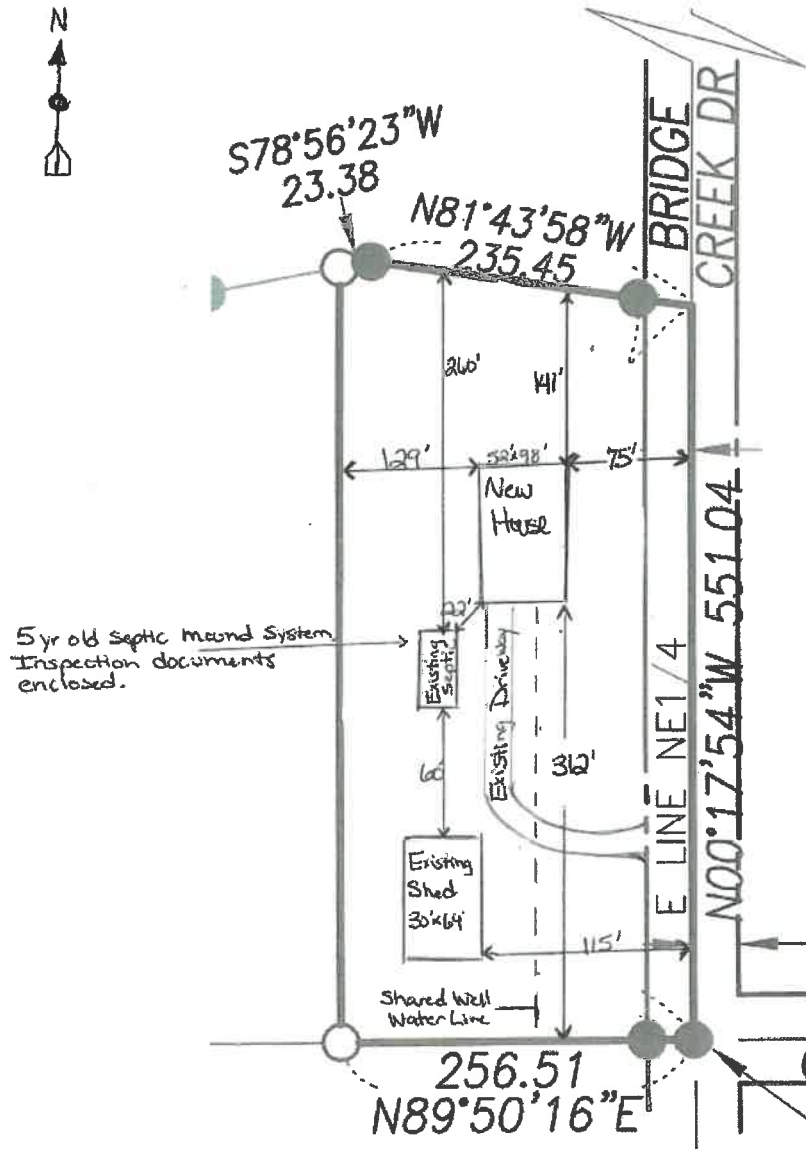


Figure 1. Proposed dwelling location.

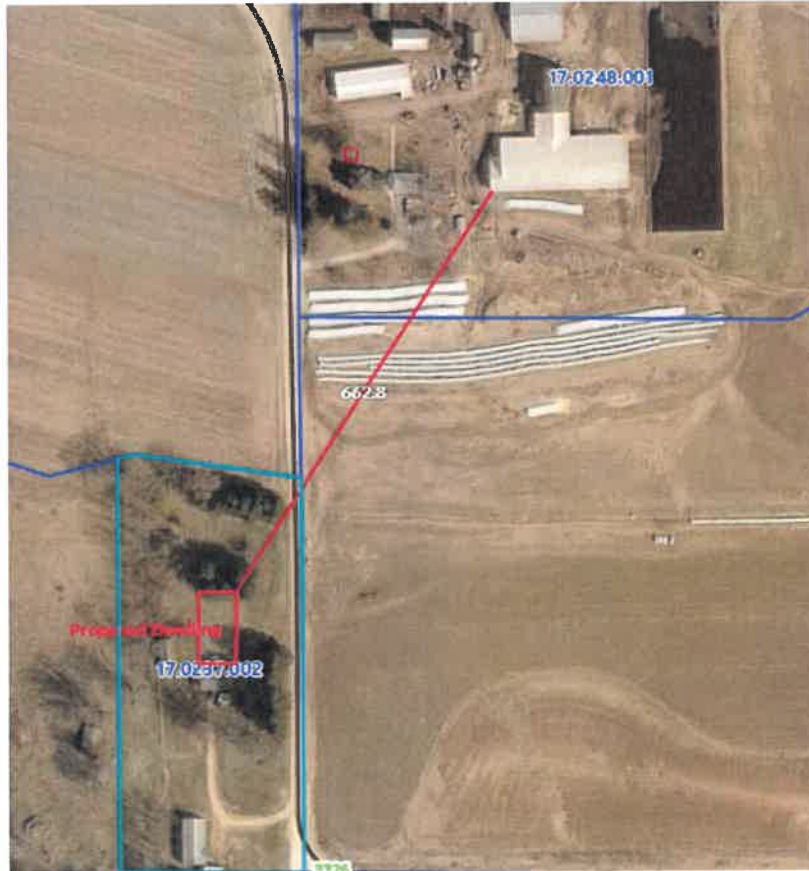


Figure 2. Feedlot variance request under review by the Board of Adjustment.

EVALUATION

Section 11.05 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The Land Use Plan promotes the rehabilitation of existing older homes. However, sometimes issues exist that cannot be remediated but utilizing an existing building site meets the same intent.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: This proposal will allow the applicant to replace the original structure that occupied this property.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: An erosion control plan has been approved and strict adherence is required to mitigate runoff concerns during and post construction. There will be a slight increase in impervious

surfaces due to the larger dwelling and slight extension of the driveway (although some accessory buildings have been removed) but overall landscaping will remain consistent with existing conditions and should provide an adequate buffer for any stormwater runoff from the site.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before, during and after construction, but the replacement of a single-family dwelling should not adversely increase the quantity of water runoff. With the structures that have been removed from the site there is likely only a slight increase in impervious surface with this proposal.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: The Soil Survey – Houston County identifies both 103B and 580C2 soils as suitable for building site development but recommend that the building be designed to conform to the natural slope of the land. Silt loams are the common soil type in Houston County.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: The septic system was replaced at this site in 2020, and the applicant has had it inspected to ensure it is still in compliance with MPCA minimum requirements set forth to protect public health.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: This is an existing building site so all utilities and access roads exist on the property but will be extended to the new structure.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: There is sufficient off-street parking to accommodate typical residential use.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: The primary use of the surrounding acreage is agricultural in nature, including a couple farm dwellings, and the replacement of a single-family dwelling will not impact those uses.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: This dwelling meets the density standard in the ag protection district and continues a historical use of the property so will not impact surrounding agricultural fields and recreational land. Orderly development meeting ordinance standards can still take place on surrounding property.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: N/A

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: This request meets the required agricultural protection district density limitations.

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: The replacement of a dwelling should not negatively affect the public's health, safety, morals and general welfare if constructed in accordance with the approved erosion control plan.

RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

Proposed motion: Recommend granting a Conditional Use Permit for a non-farm dwelling on under 40 acres with the two conditions.

46

Conditional Use Amount Paid
Request \$0.00
2026-CUP-550318

Applicant Created Status
Gabriel D. Howe February 16, 2026 In Progress

Number
2026-CUP-
550318

HOWE,GABRIEL D | 170237002
| Yucatan
Submitted by Gabe Howe on
2/16/2026



Applicant

Gabriel D. Howe



Search Parcel Data Completed On Monday, February 16, 2026 at 4:37 PM CST by Gabe Howe

ParcelID	Address	City	OwnerName	Acres
170237002			HOWE,GABRIEL D	3.350

CONDITIONAL USE INTRO Completed On Monday, February 16, 2026 at 4:38 PM CST by Gabe Howe

Conditional Use Application Fee
\$700.00

Recording Fee
\$46.00

Application Type:
Conditional Use

APPLICANT INFORMATION Completed On Monday, February 16, 2026 at 4:39 PM CST by Gabe Howe

Applicant Name
HOWE,GABRIEL D

Parcel Tax ID
170237002

Telephone Number



Address



City
Rushford

Zip

55971

Legal Description

NE1/4 NE1/4 SE1/4 & PT S1/2 NE1/4; DOC 209637; DOC 276364

2

Section-Township-Range

19-103-007

Do you own additional adjacent parcels

No

Township of:

Yucatan

I understand I am required to inform my township of my application.

Yes

CONDITIONAL USE REQUEST Completed On Tuesday, February 17, 2026 at 10:40 AM CST by michelleburt13

Describe in detail your request.

To build a 52'x98' shouse on 3.35 acres. This is an established building site, and existing house is non livable.

Citation of Ordinance Section from which the Conditional Use is requested:

Section 14-14.3, Subd. 10

Requested Dimension:

Build a single-family dwelling on less than 40-acres.

Please upload any supporting documents:

CONDITIONAL USE FINDING OF FACTS Completed On Tuesday, February 17, 2026 at 10:58 AM CST by michelleburt13

1. That the proposed use conforms to the County Land Use Plan.

Yes

Comments:

48 There will be no disruption to the district. There was a house on the property in the past but has been since removed. The new house will sit in the same location.

2. That the applicant demonstrates a need for the proposed use.

Yes

Comments:

The Conditional Use Permit is needed to place a dwelling on that 3.35-parcel.

3. That the proposed use will not degrade the water quality of the County.

Yes

Comments:

The applicants will follow practices to prevent contamination of groundwater.

4. That the proposed use will not adversely increase the quantity of water runoff.

Yes

Comments:

The landscaping of the property will remain similar which will reduce the amount of water runoff. An erosion control plan has also been submitted and will be reviewed.

5. That soil conditions are adequate to accommodate the proposed use.

Yes

Comments:

The applicants are proposing to build on an existing building site that had a dwelling in the past.

6. That potential pollution hazards have been addressed and standards have been met.

Yes

Comments:

The biggest pollution hazard with new dwellings would be the septic system. A septic system exists for the property and was inspected in 2025 and found compliant.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes

Comments:

There will be all new utilities for the dwelling except for the well and septic. Everything is up to code.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes

Comments:

There will be no need to off-street parking. Main traffic will be from the residents and there is an existing driveway.

9. That adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Yes

Comments:

There should be no concern with traffic congestion or traffic hazard. Nothing will be changed with the driveway access or parking on the property.

10. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Yes

Comments:

There should be no impact on neighbors as the property use is not changing.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Yes

Comments:

Neighboring properties are mainly agricultural land or pasture. There should be no impact on the development or improvement of surrounding properties since the use is being kept the same by replacing the dwelling.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Yes

Comments:

There should be nothing that could constitute as a nuisance for a dwelling.

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

Yes

Comments:

A dwelling is a common structure in the ag district, and the applicants are replacing an old dwelling that was on the property.

14. That the density of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.

N/A

Comments:

N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Yes

Comments:

51

Zoning rules and regulations will be followed. There should be no impact on the health, safety, morals, and general welfare of the public.

SITE PLAN INFORMATION Completed On Tuesday, February 17, 2026 at 10:58 AM CST by michelleburt13

Upload Site Plan

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

Sketch Layer

Reference Layer

Mapproxy



Powered by Esri

Use the space below to include site plan comments, if necessary

APPLICATION SUBMITTAL Completed On Tuesday, February 17, 2026 at 11:17 AM CST by michelleburt13

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.

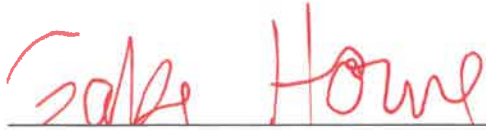
Yes

By checking this box, I certified that I have notified my town board of my application.

By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.

Yes

Signature



Date Signed:

2/17/2026

Check this box if Staff Signature on behalf of Applicant.

No

Email APPLICATION SUBMITTAL Completed On Tuesday, February 17, 2026 at 11:17 AM CST by michelleburt13

External Notes

Documents

Internal Notes

Documents

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Thomas and Colleen Niebeling, 830 Sportsmans Valley Road, La Crescent, MN 55947, for a Conditional Use Permit for substantial land alteration in the Agricultural Protection District (Section 24 – 24.2, Subdivision 1) and for work within the floodplain district (Section 21 – 21.5, Subdivision 3(2)) in Mound Prairie Township on the following premises, to wit:

PT SW1/4 SW1/4 of Section 22, Township 104, Range 5, Houston County, Minnesota.
(Parcel #11.0243.002)

Said applicant standing and making application is a representative of fee owner of said described lands.

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 6:00 p.m. on Thursday, March 26, 2026.

All persons having an interest in the matter may attend the hearing or submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street – Room 209, Caledonia, MN 55921, or emailed to Zoning@HoCoMN.gov, and must be received by Tuesday, March 17, 2026 to be included for review prior to the hearing. All comments are considered public record.

HOUSTON COUNTY PLANNING COMMISSION

By Amelia Meiners
Zoning Administrator

ADV: March 11, 2026

11.0226.000
BOTCHER,
RICHARD

11.0250.000
BOTCHER,
RICHARD

11.0251.000
FRIE,DAVID A &
MILDRED D

11.0247.000
STANKEVITZ,JO
ANN HIDAKA & A J

11.0249.000
GOEDE,
WILLIAM

11.0241.001
KASTEN,
CHARLES L

11.0242.001
KORNETA,LUCAS
J & LEIGH P

11.0243.003
STANKEVITZ,JO
ANN HIDAKA & A J

11.0242.002
KORNETA,LUCAS
J & LEIGH P

11.0243.000
KEEHNER,PATRICK
R & RACHEL B

11.0243.005
LEDEBUHR,LARRY
L & MARY C

11.0229.000
LEDEBUHR,LARRY
L & MARY C

11.0243.001
KORNETA,LUCAS
J & LEIGH P

11.0242.000
KORNETA,LUCAS
J & LEIGH P

11.0243.002
NIEBELING,THOMAS
& COLLEEN M

11.0243.004
STATE OF
MN DNR

11.0229.002
H & S NELSON
PROPERTIES, LLC

11.9012.000
NIEBELING,
WILLIAM & MANDI

11.0229.001
NIEBELING,THOMAS
& COLLEEN M

11.0293.000
BOTCHER,
RICHARD

11.0292.001
STATE OF
MN DNR

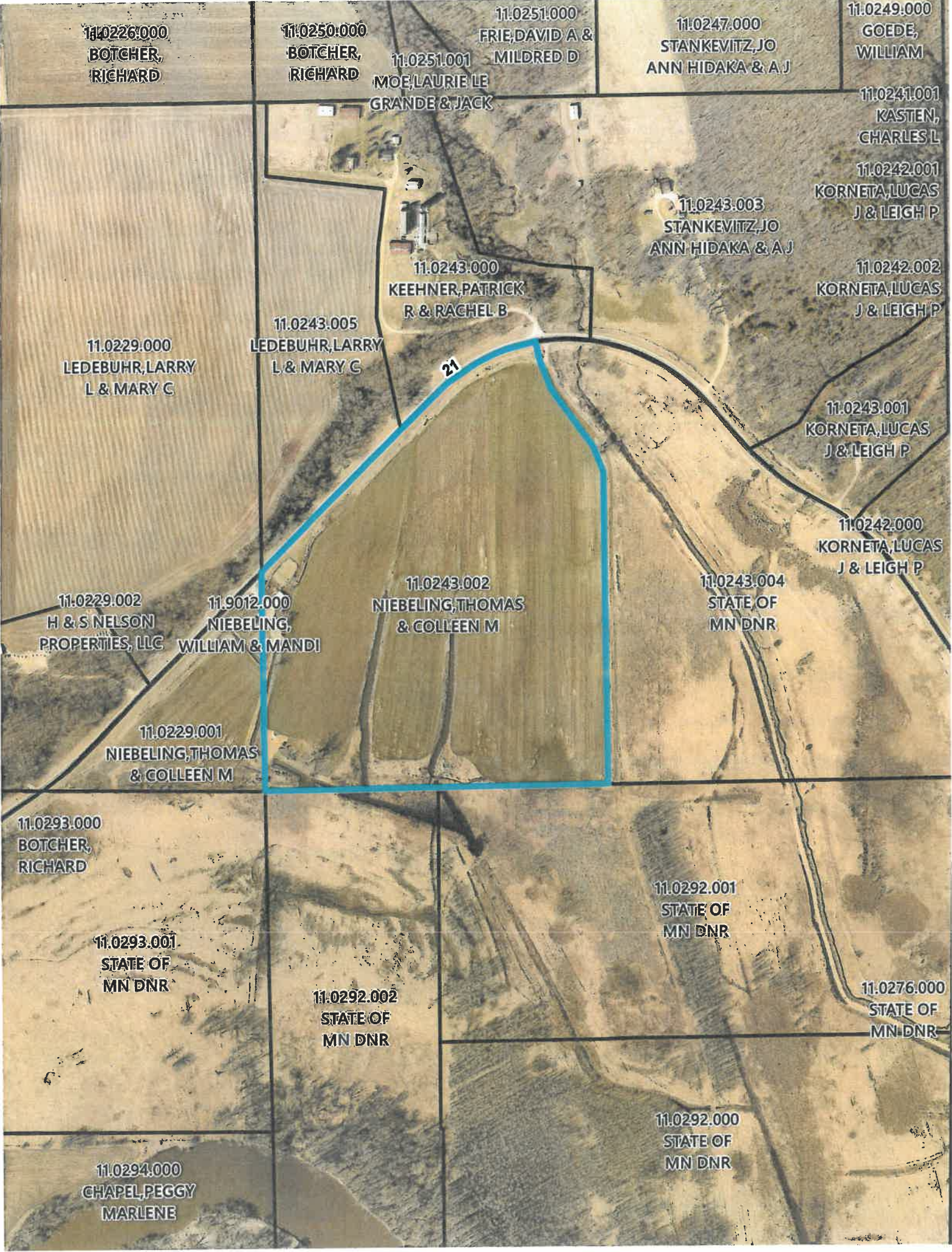
11.0293.001
STATE OF
MN DNR

11.0292.002
STATE OF
MN DNR

11.0276.000
STATE OF
MN DNR

11.0294.000
CHAPEL,PEGGY
MARLENE

11.0292.000
STATE OF
MN DNR



CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***Thomas & Colleen Niebeling*** DATE: ***March 26, 2026***
 C.U.P. REQUESTED: ***For substantial land alteration and excavation in floodplain.***

FINDINGS OF FACT

Section 11.05 of the Houston County Zoning Ordinance requires the following:

1. Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The County Land Use Plan promotes sustainable land management practices that protect the natural resources (Natural Resources, Policy 1) and encourages protection of wetlands by prohibiting development and adverse altering of these areas. The project is being reviewed by the Wetland Conservation Act panel which includes members from multiple agencies tasked with protecting natural resources.

Board agreed to the finding by a unanimous vote.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: The applicant states that removal of material will promote better filtration and create a more diverse wildlife habitat. Creating habitat may help to decrease the impact of wildlife on sod field areas.

Board agreed to the finding by a unanimous vote.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: There will be increased turbidity of surface waters during excavation but practices are required to be implemented that will prevent erosion and trap sediment. Ground cover will need to be maintained and the alterations must not adversely affect nearby properties.

Board agreed to the finding by a unanimous vote.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: Removing topsoil from this semi-permanently flooded area is not anticipated to increase the quantity of water runoff and will result in greater water holding capacity.

Board agreed to the finding by a unanimous vote.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: The applicant has identified that the soil is of a quality desirable for landscaping.

Board agreed to the finding by a unanimous vote.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: The largest potential pollution hazard is likely suspending sediment for movement downstream and erosion from temporary stockpiles. The ordinance requires practices such as ground cover be in place that prevent erosion and trap sediment.

Board agreed to the finding by a unanimous vote.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: There are existing access roads and drainage ditches for the harvesting of sod that will need to be extended to accommodate this project.

Board agreed to the finding by a unanimous vote.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: N/A

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: The proposed operation will not differ greatly from the existing use of the property as a sod farm and creating additional habitat enhance the neighboring Wildlife Management Area.

Board agreed to the finding by a unanimous vote.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: Since the area is predominately floodplain, allowable uses are limited and the proposed result will be consistent with neighboring public lands.

Board agreed to the finding by a unanimous vote.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: The proposal is not anticipated to have offensive odors, fumes, noise, vibrations, or lighted signs. There is potential for dust during loading but excavated areas will need to establish ground cover within 30 days.

Board agreed to the finding by a unanimous vote.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: N/A

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: Public health, safety, morals, and general welfare are not anticipated to be impacted.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Josh Gran made a motion to accept the findings as presented. Larry Gaustad seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the conditional use request if there were no additional comments or questions.

Josh Gran made a motion to recommend the Houston County Board approve a Conditional Use Permit for substantial land alteration and excavation in floodplain with seven conditions in Mound Prairie Township:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. Applicant must complete all Wetland Conservation Act requirements that are determined to be necessary.
4. Must maintain a 50-foot setback to the Wildlife Management Area boundary.
5. Prior to excavation, documentation certified by a professional engineer must be provided to the Zoning Office showing that this proposal will not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established.
6. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable methods. A Plan for erosion control, noting where any spoil material or stockpiles will be located, must be submitted to the Zoning Office prior to any excavation work.
7. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if Houston County has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

Richard Schild seconded. A roll call vote was taken. All were in favor. Motion carried.

The application, with the conditions, will be presented to the Houston County Board of Commissioners for final action.



HOUSTON COUNTY ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning
304 South Marshall Street – Room 209, Caledonia, MN 55921
Phone: (507) 725-5800 • Fax: (507) 725-5590



STAFF REPORT

3/17/2026

Application Date: 1/21/2026
Hearing Date: 3/26/2026
Petitioner: Bill Niebeling for Thomas & Colleen Niebeling
Reviewer: Amelia Meiners
Zoning: Ag Protection
Address: 9109 County 21
Township: Mound Prairie
Parcel Number: 110243002
Submitted Materials: CUP Application

OVERVIEW

REQUEST

The petitioner is requesting a conditional use permit for substantial land alteration and excavation in floodplain.

SUMMARY OF NOTEWORTHY TOPICS

The applicant operates a sod farm and lives at this location about four miles northwest of Hokah off CSAH 21. He is requesting to remove topsoil near the south boundary of the property which will be utilized for his landscaping business and the project will create waterfowl habitat. The adjacent landowner most directly impacted is the State of Minnesota and the land is operated as a Wildlife Management Area. The application indicates they intend to remove approximately 25,000 yards of topsoil. This is an estimate based on working up to the property line and wetland rules that may allow excavation to 8.2-feet but that will vary depending upon what type of soil is encountered. No borings have been completed but the applicant stated the quality varies from heavy clay to sand. The MN DNR has requested a 50-foot setback from the property line which will cut down on that number. Staff estimate that will reduce the area to approximately one acre rather than 1.6 acres as identified in the application. Fig. 1 is contour map of the area proposed for removal.

The proposal is to excavate material, stockpile it to dry and it will be hauled to landscaping projects as needed. Excavation will commence upon approval and is estimated to last five to six years (will utilize approximately 5,000 yards/year) depending upon demand.

This proposal is outside of the shoreland impact zone but within the shoreland district because of the landward extent of floodplain. Therefore, it meets the definition of substantial land alteration (HCZO Section 24.1 (1)).

Shoreland. Land located within the following distances from public waters:

- 1,000 feet from the ordinary high water level of a lake, pond or flowage;
- 300 feet from a river or stream, or
- The landward extent of a flood plain designated by ordinance on such a river or stream,

whichever is greater.

The practical limits of shoreland may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner of the Department of Natural Resources.

Since the existing ground contours will be altered a conditional use permit is required for land alteration (HCZO Section 24.2 Subd. 1 (1&2)).

The ordinance then sets standards for each project (HCZO 24.4).



Figure 1. Red outline shows the approximate area of proposed excavation. Surface contours are in two foot intervals.

Below are relevant sections of the Houston County Zoning Ordinance:

SECTION 24 - LAND ALTERATION

24.1 SUBSTANTIAL LAND ALTERATION

Subdivision 1. Substantial Land Alteration Defined. Substantial land alteration shall be defined as the extraction, grading or filling of land involving movement of earth and materials in excess of:

- (1) Fifty (50) cubic yards in the Shoreland District outside of steep slopes and shore and bluff impact zones.
- (2) The movement of more than 10 cubic yards of material in steep slopes or within shore or bluff impact zones; and
- (3) In excess of five hundred (500) cubic yards in all other districts, except Agricultural which is 5,000 cubic yards.

24.2 PERMIT REQUIRED FOR SUBSTANTIAL LAND ALTERATION

Subdivision 1. Conditional Use Permit Required. A Conditional Use Permit shall be required in all cases where excavation, grading and/or filling of any land within the county would result in any of the following:

- (1) The excavation, grading and/or filling would result in substantial alteration of existing ground contours.
- (2) The excavation, grading and/or filling would change existing drainage.
- (3) The excavation, grading and/or filling would cause flooding or erosion.
- (4) The excavation, grading and/or filling would deprive an adjoining property owner of lateral support.
- (5) The excavation, grading and/or filling would remove or destroy the present ground cover, resulting in less beneficial cover for present and proposed development.
- (6) The excavation, grading and/or filling would adversely affect the use and enjoyment of any property for purposes already permitted.

24.4 STANDARDS

The following standards relating to land alteration shall be implemented to the maximum extent possible on each land alteration project.

Subdivision 1. Minimize Bare Ground. The smallest amount of bare ground shall be exposed for as short a time as feasible.

Subdivision 2. Prevent Erosion and Trap Sediment. Methods to prevent erosion and trap sediment before it reaches any surface water feature shall be employed.

Subdivision 3. Stabilize Fill. Fill shall be stabilized to accepted engineering standards and to accepted erosion control standards consistent with the field office technical guide of the Houston Soil and Water Conservation District and the United States Soil Conservation Service.

Subdivision 4. Maintain Ground Cover. The person responsible for the proposed land alteration shall agree to use mulches or similar materials for temporary bare soil coverage and to replace cover that has been removed, with seed or sod, such cover to be replaced within thirty (30) days after completion of grading. Where construction of homes or buildings is being done over an extended period of time, the Zoning Administrator or Board of County Commissioners may require replacement of ground cover on a portion of the area before the entire project is completed.

Subdivision 7. May Not Adversely Affect Adjacent Property. Alterations of topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

Subdivision 8. Placement of Riprap. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3 feet horizontal to one (1) foot vertical, the inland extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

Subdivision 9. Preserve Health and Safety. If, during the land alteration work, it becomes necessary for the person altering the land to create a condition of grade or drainage not in the interest of health or safety, it shall become that person's duty to immediately correct the dangerous situation created, and fence the area from the general public during the period of danger.

Subdivision 10. Wetland Alteration. Prior to commencing any land alteration activity that will reasonably result in, partially or wholly, draining, filling, or degrading the water quality of any wetland, Types 1 through 8, the property owner shall contact the Local Government Unit representative responsible for administering the Wetland Conservation Act of 1991 and complete a NA-02620-01, Local-State-Federal Water Resource Project Application Form. Authorization to proceed must be received before beginning the wetland alteration activity.

Subdivision 11. Shoreland Excavations. Excavations on shoreland, where the intended purpose is connection to a public water, shall not be allowed unless approved by the Department of Natural Resources. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245.

Subdivision 12. Premises a Public Nuisance. The Board of County Commissioners may, in addition to any or all other remedies available for violation of this Ordinance, declare the premises a public nuisance and after a public hearing held after a ten (10) day notice by registered mail to the last known address of the owner or owners of the property, proceed to have the necessary work done to bring the land to reasonable standards of health and safety and assess all of the costs, and expenses thereof against the property.

The other relevant regulations for this proposal are those of the floodplain overlay district. This is a detailed study area, and this location is classified as floodway (see below).

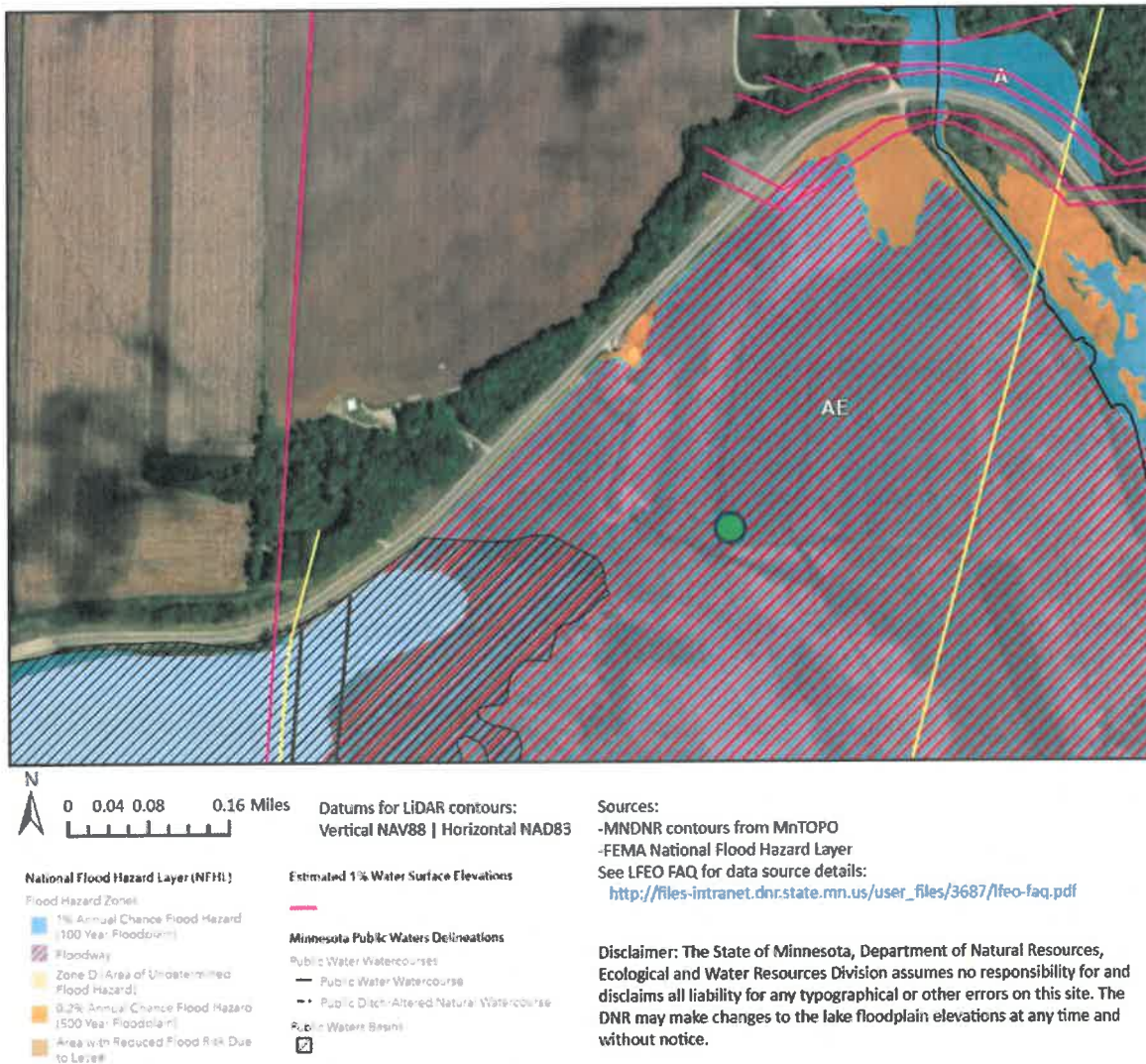


Figure 2. Screen shot from the MN DNR Lake and Flood Elevations finder page. Red hatching denotes floodway.

Section 21.5 Subd. 3 (2) notes extraction and storage of soil as a conditional use in the floodway district and Subd. 4 provides standards that must be met. Those are included as conditions on the permit.

21.5 FLOODWAY DISTRICT (FW)

Subdivision 3. Conditional Uses: *The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 21.11 subd. 4 of this ordinance and further subject to the standards set forth in Section 21.5 subd. 2, if otherwise allowed in the underlying zoning district.*

(2) Grading, extraction, fill and storage of soil, sand, gravel, and other materials, except work authorized under a valid public waters work permit may be authorized as a permitted use under an administratively issued permit.

(4) Storage yards for equipment, machinery, or materials

Subdivision 4. Standards for Floodway Conditional Uses:

(1) A conditional use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.

(2) Fill; Storage of Materials and Equipment:

(a) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

(b) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if Houston County has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Mound Prairie Township and the ten closest neighbors were notified. Two comments were submitted and there was one additional inquiry.

SITE CHARACTERISTICS

This location is low-lying ground in the Root River valley. Wetlands, floodplain and shoreland are all relevant considerations. Wetlands have been reviewed by the technical panel. This permit does not negate any wetland requirements.

This location is approximately 1,400 feet from the Root River and 1,200 feet to Day Creek and is in a detailed flood area where it is mapped as floodway. As discussed under the summary section, excavation and stockpiling of soil within the floodway district is conditional use. It is classified as shoreland due to the landward extent of floodplain, but agricultural uses are permitted within the shoreland district.

Bluff and slopes are not concerns with this proposal. The soils are 576 and 1889 which are Newalbin silt loam and Moundprairie silty clay loam, respectively.

EVALUATION

Section 11.5 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The County Land Use Plan promotes sustainable land management practices that protect the natural resources (Natural Resources, Policy 1) and encourages protection of wetlands by prohibiting development and adverse altering of these areas. The project is being reviewed by the Wetland Conservation Act panel which includes members from multiple agencies tasked with protecting natural resources.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: The applicant states that removal of material will promote better filtration and create a more diverse wildlife habitat. Creating habitat may help to decrease the impact of wildlife on sod field areas.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: There will be increased turbidity of surface waters during excavation but practices are required to be implemented that will prevent erosion and trap sediment. Ground cover will need to be maintained and the alterations must not adversely affect nearby properties.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: Removing topsoil from this semi-permanently flooded area is not anticipated to increase the quantity of water runoff and will result in greater water holding capacity.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: The applicant has identified that the soil is of a quality desirable for landscaping.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: The largest potential pollution hazard is likely suspending sediment for movement downstream and erosion from temporary stockpiles. The ordinance requires practices such as ground cover be in place that prevent erosion and trap sediment.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: There are existing access roads and drainage ditches for the harvesting of sod that will need to be extended to accommodate this project.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: N/A

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: The proposed operation will not differ greatly from the existing use of the property as a sod farm and creating additional habitat enhance the neighboring Wildlife Management Area.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: Since the area is predominately floodplain, allowable uses are limited and the proposed result will be consistent with neighboring public lands.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: The proposal is not anticipated to have offensive odors, fumes, noise, vibrations, or lighted signs. There is potential for dust during loading but excavated areas will need to establish ground cover within 30 days.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: N/A

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: Public health, safety, morals, and general welfare are not anticipated to be impacted.

RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. Applicant must complete all Wetland Conservation Act requirements that are determined to be necessary.
4. Must maintain a 50-foot property line to the south property line.
5. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
6. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if Houston County has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

From: [Dave/Millie Frie](#)
To: [HoCo Zoning](#)
Subject: Thomas & Colleen Niebeling, conditional use permit request
Date: Monday, March 16, 2026 2:49:14 PM

***** HOUSTON COUNTY SECURITY NOTICE *****
This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact HelpDesk.

REGARDING:

Conditional Use Permit request by Thomas & Colleen Niebeling for substantial land-alteration in Section 24 & Section 21 of Mound Prairie Township

Because we do not know what actual changes are being planned for this activity of alteration, we cannot react with full consideration.

However, because we own land near this area, we would encourage the County Planning Commission to please take these concerns of ours into full consideration:

1. Day Creek runs through our land and onward, as do other creeks in the area of this permit's consideration. These are treasured bodies of water. Please make sure a plan is in effect to not devalue/pollute these waters.
2. Vegetation and larger trees soak up a quantity of floodwaters and general natural-water production. Please make sure a plan is in effect to not destroy this vegetation protection for the agricultural flat-lands, when rainwater and snowfall bring high-water yields.
3. Because the general public (including us) do not know the exact nature of what will be taking place on this ag-protected land, we can only assume there is a possibility of chemical use on the land for use in future production (profit-making from use of the land). Please make sure there is a plan in place so chemicals do not harm or infiltrate water or food, which may be drank or consumed for human or animal life.

Thank you for the opportunity to express our concerns.

The Niebelings have a good reputation with their landscaping business, and we do not want to suppress it.

However, we want to enhance the Commission's awareness in what to take under consideration when making its decision on an environmentally sensitive area.

Signed:

David & Mildred Frie

(landowners in Section 22 of Mound Prairie Township)

[Redacted signature area]

From: [Ramsden, Don W \(DNR\)](#)
To: [HoCo Zoning](#)
Subject: topsoil removal
Date: Thursday, March 19, 2026 7:19:59 AM

***** HOUSTON COUNTY SECURITY NOTICE *****
This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact HelpDesk.

Martin,

The MNDNR has made a comment that we wish there is a 50' buffer off the north line of the Mound Prairie WMA as a condition to the permit. Don't have an issue with the permit. Just want a setback. Thanks.

Conditional Use Request
2025-CUP-514725

Amount Paid
\$0.00

Applicant
Tom Niebeling

Created
December 4, 2025

Status
In Progress

Number
2025-CUP-514725

NIEBELING,THOMAS & COLLEEN M | 110243002 | Mound Prairie
Submitted by MoundPrairie21 on 12/4/2025



Applicant

Tom Niebeling



Search Parcel Data Completed On Thursday, December 4, 2025 at 12:26 PM CST by MoundPrairie21

ParcelID	Address	City	OwnerName	Acres
110243002			NIEBELING,THOMAS & COLLEEN M	41.500

CONDITIONAL USE INTRO Completed On Thursday, December 4, 2025 at 12:28 PM CST by MoundPrairie21

Conditional Use Application Fee

\$700.00

Recording Fee

\$46.00

Application Type:

Conditional Use

APPLICANT INFORMATION Completed On Thursday, December 4, 2025 at 12:33 PM CST by MoundPrairie21

Applicant Name

NIEBELING,THOMAS & COLLEEN M

Parcel Tax ID

110243002

Telephone Number



Address

830 Sportsmens valley Rd N

City

LA CRESCENT

Zip

55947

Legal Description

PT NW1/4 SW1/4 - 3.96A & PT SE1/4 SW1/4 - 0.04A & PT SW1/4 SW1/4 - 37.50A & EASEMENT 2

Section-Township-Range

22-104-005

Do you own additional adjacent parcels

Yes

Township of:

Mound Prairie

I understand I am required to Inform my township of my application.

Yes

CONDITIONAL USE REQUEST Completed On Thursday, December 4, 2025 at 12:52 PM CST by MoundPrairie21

Describe in detail your request.

I would like to remove approximately 25,000 yards of topsoil on South side of the parcel listed 110229002.

Citation of Ordinance Section from which the Conditional Use is requested:

110229002

Requested Dimension:

Approximately 1.6 acres

Please upload any supporting documents:

CONDITIONAL USE FINDING OF FACTS Completed On Thursday, December 4, 2025 at 1:22 PM CST by MoundPrairie21

1. That the proposed use conforms to the County Land Use Plan.

Yes

Comments:

I have contacted Dave Walters from Houston County Water & Soil Conservation Office. He didn't see any issues of what I am proposing.

2. That the applicant demonstrates a need for the proposed use.

Yes

Comments:

I would like to remove the material in the non useable farm land to promote better water run off filtration and more diverse area for wildlife habitat.

3. That the proposed use will not degrade the water quality of the County.

No

Comments:

No, it will help improve it.

4. That the proposed use will not adversely increase the quantity of water runoff.

No

Comments:

It will ad more volume for water retention.

5. That soil conditions are adequate to accommodate the proposed use.

Yes

Comments:

It's good topsoil.

6. That potential pollution hazards have been addressed and standards have been met.

Yes

Comments:

I plan on putting a proper erosion control plan in place.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes

Comments:

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes

Comments:

There will be no parking on the County 21 road.

9. That adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Yes

Comments:

All the work will be done in the proposed area.

10. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

N/A

Comments:

It will add diversity to the adjoining property which is connected to the Ducks Unlimited property.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

No

Comments:

It shouldn't change.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Yes

Comments:

Yes, they have been taken.

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

N/A

Comments:

This doesn't not apply.

14. That the density of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.

N/A

Comments:

This doesn't apply.

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Yes

Comments:

Precautions will be taken as needed.

Upload Site Plan

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

Sketch Layer

Reference Layer

Mapproxy



Powered by Esri

Use the space below to include site plan comments, if necessary

APPLICATION SUBMITTAL Completed On Thursday, December 4, 2025 at 1:29 PM CST by MoundPrairie21

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.

Yes

By checking this box, I certified that I have notified my town board of my application.

Yes

By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.

Yes

Signature

Bill Nabeling

Date Signed:

12/4/2025

Check this box if Staff Signature on behalf of Applicant.

Email APPLICATION SUBMITTAL Completed On Thursday, December 4, 2025 at 1:29 PM CST by MoundPrairie21

External Notes

Documents

Internal Notes

Documents

Not included in original packet.

From: [Lehman, Nicole \(DNR\)](mailto:Lehman.Nicole@DNR)
To: noreenlv@schneideris.com; [Brian Pogodzinski](mailto:Brian.Pogodzinski); david.a.studenski@usace.army.mil; noosev10; [Amelia Meiners](mailto:Amelia.Meiners)
Cc: [Ramsden, Don W \(DNR\)](mailto:Ramsden_Don_W@DNR); [Green, Valilee S \(DNR\)](mailto:Green_Valilee_S@DNR)
Subject: RE: Conditional Use Notice for Public Hearing, Neibling, PID 11.0243.002, 9109 County 21
Date: Wednesday, March 25, 2026 4:15:53 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Board Packet - Niebeling.pdf](#)
[Conditional Use - Niebeling 3-26-26.doc](#)

***** HOUSTON COUNTY SECURITY NOTICE *****
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Good afternoon,

The DNR would like to note that the project is located adjacent to the DNR managed Mound Prairie Wildlife Management Area. The Division of Wildlife has requested the project maintain a 50' setback off the north property line. Please note the site is also located within a FEMA Special Flood Hazard Area, Zone AE, within the designated floodway, which requires a CUP for grading and filling. Section 21.5, Subd. 3 and 4 of the Houston Co Zoning Ordinance also notes standards that would apply to this proposal, including documentation that the project will not cause a rise greater than 0.00 ft as documented by a Professional Engineer (PE) with a hydraulic analysis. Key items to also note include plans for erosion control and vegetation establishment, and noting where any spoil material or stockpiles would be located.

SITE PLAN INFORMATION

SHARE

A site plan MUST accompany all Applications. You may either upload a drawing or use the interactive map below.

Upload Site Plan

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to Undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

- Sketch Layer
- Reference Layer
- Mapproxy



Thank you,

Nicole E. Lehman
 Area Hydrologist – Fillmore, Houston & Olmsted Counties
 Ecological and Water Resources Division

Minnesota Department of Natural Resources
 2118 Campus Dr. SE, Suite 100
 Rochester, Minnesota 55904
 Phone: 507-206-2854
 Email: nicole.lehman@state.mn.us
mndnr.gov



From: noreply@schneidergis.com <noreply@schneidergis.com>

Sent: Wednesday, March 11, 2026 9:30 AM

To: Brian Pogodzinski <brian.pogodzinski@co.houston.mn.us>; Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>; david.a.studenski@usace.army.mil; goosey10 <goosey10@hotmail.com>; Green, Valiree S (DNR) <valiree.green@state.mn.us>; caledoniaclerk@acegroup.cc; swetterlin@cityoflacscent-mn.gov; bwaller@cityoflacscent-mn.gov; cityclerk@acegroup.cc; brownsvi@acegroup.cc; eitzen@acegroup.cc; Michelle Quinn <mquinn@houstonmn.us>; ryan.hytry@usda.gov; Hills, Marna (MPCA) <marna.hills@state.mn.us>; cityhall@springgrovern.com; amelia.meiners@co.houston.mn.us; Wayne, Kurt (He/Him/His) (DOT) <kurt.wayne@state.mn.us>; Suzanne Bublitz <suzanne.bublitz@co.houston.mn.us>; joes@acegroup.cc; btownship@goacentek.net; liztostenon1@gmail.com; gjexp@acegroup.cc; dwinnes@multistack.com; noldenerin@gmail.com; adamflorin@me.com; blackhammer49@hotmail.com; psnodgrass81@gmail.com; caledonia.township.clerk@gmail.com; dewdrop@acegroup.cc; lukeking81@yahoo.com; sheldon.township@gmail.com; mptclerk@gmail.com

Subject: Conditional Use Notice for Public Hearing

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Notice of Public Hearing. A hearing on a Conditional Use request will be held at 6:00 PM on 03/26/2026 at the Houston County Courthouse.

Applicant: NIEBELING, THOMAS & COLLEEN M:

Parcel ID: 110243002

The purpose of the hearing is to consider a request for: I would like to remove approximately 25,000 yards of topsoil on South side of the parcel listed 110229002.

If you have questions or wish to provide comments regarding this request, please email them to Zoning@HoCoMN.gov.

Martin Herrick

Number: 2025-CUP-514725
Workflow: Conditional Use Request
Description: NIEBELING, THOMAS & COLLEEN M | 110243002 | Mound Prairie
Created On: 12/4/2025

[View Application](#)

Submitted by applicant at hearing (3/26).



NOTICE OF PUBLIC MEETING

PLEASE TAKE NOTICE:

That an application has been made by Burns & Hansen, P.A. on behalf of Cory and Jackie Baker, 22848 State 16, Rushford, MN 55971, Scott and Cindy Hatleli, 23263 Hatleli Dr, Rushford, MN 55971, and Rosemary Iversen, 2835 Casco Point Rd, Wayzata, MN 55391 to make a text amendment to the Houston County Zoning Ordinance.

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota, 55921 at 6:20 p.m. on Thursday, March 26, 2026.

The affected section and topics include:

1. Section 27.8 Subd. 1 (5) – Mine Density Standards
 - a. Modify language as follows: New ~~industrial mineral sand~~ mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming ~~industrial mineral sand~~ mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.

All persons having an interest in the matter may attend the hearing or submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street – Room 209, Caledonia, MN 55921, or emailed to Zoning@HoCoMN.gov, and must be received by Tuesday, March 17, 2026 to be included for review prior to the hearing. All comments are considered public record.

HOUSTON COUNTY PLANNING COMMISSION

By Amelia Meiners
Zoning Administrator

ADV: March 11, 2026

HOUSTON COUNTY PLANNING COMMISSION

Proposed changes to the Houston County Zoning Ordinance for mine density standards.

Section 8.6 of the Houston County Zoning Ordinance requires that the Planning Commission make findings in support of a decision but does not prescribe specific criteria. The following findings are proposed for your consideration.

1. One of Houston County's guiding values acknowledges that aggregate materials are important to the economic basis of the community and to use in construction, road maintenance and other uses, and strives to balance access to materials with protection of natural resources.
2. Another value in the Comprehensive Land Use Plan (CLUP) cites the importance of sound environmental practices that promote the efficient use of all natural resources and protection of environmentally sensitive natural resources. While it has been stated that this ordinance change creates unregulated mining, it is not unregulated. There are still County and State permitting requirements.
3. Goal 2.2 of the CLUP promotes agriculture as a viable land use and significant contribution to economic activity in the County and access to these construction materials is important for operations. In addition, the Plan recognizes the cultural and economic importance of agriculture to the community. Local decisions should support maintaining and sustaining the vitality of family farms and locally owned agricultural operations and support practices that balance the conservation of soil, water quality, and economic viability.
4. Tourists travel our roads and bike trails and utilize our establishments and these all require construction minerals to build and/or maintain.
5. Rock quarries, which are classified as construction minerals, exist in greater frequency in the County than sand mines and there is no density limitation required for those operations.
6. The amendments adopted in March 2025 did not change requirements for frac or industrial sand operations.
7. Raw materials are a necessary component of maintaining our infrastructure and keeping those small and local should be prioritized. It's not economical to transport materials long distances and you experience an environmental tradeoff by doing so with increased emissions, demand for fuels, etc.
8. Neighboring counties likely hold the same values for protection of natural resources and their citizens and it is unfair to place the additional burden of asking them to support our County as well.

General discussion was held by the Board regarding a density standard for sand mines but not for rock quarries, as well as the difference between the two.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Eric Johnson made a motion to accept the findings as presented. Josh Gran seconded. A roll call vote was taken. Motion carried four to one.

Board Member	Yes	No	Comment
Larry Gaustad	X		Approved of findings as written.
Josh Gran	X		Does not see anything to disagree with what was detailed out specifically in the findings.
Franklin Hahn	X		

Eric Johnson	X		Agreed with Finding #2 that it sites our Comprehensive Land Use Plan where we protect our natural resources but also allow mining within the County. Also agreed with Finding #5 the rock quarries are classified as construction materials require no density limitation for those operations. The amendments adopted did not change the requirements for frac or industrial sand operations.
Richard Schild		X	Had trouble with some of the language.

Chairman Hahn asked for a motion on the zoning amendment request if there were no additional comments or questions.

Richard Schild made a motion to recommend the Houston County Board adopt the change to Section 27.8 Subd. 1 (5) as proposed:

Section 27.8, Subd. 1 (5) – Mine Density Standards

- a. New ~~industrial mineral sand~~ mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming ~~industrial mineral sand~~ mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.

There was not a second. Motion failed due to lack of a second.

The application, with the conditions, will be presented to the Houston County Board of Commissioners for final action.

Eric Johnson made a motion to adjourn the meeting. Josh Gran seconded. Motion carried.



HOUSTON COUNTY ENVIRONMENTAL SERVICES

Solid Waste ● Recycling ● Zoning
304 South Marshall Street – Room 209, Caledonia, MN 55921
Phone: (507) 725-5800 ● Fax: (507) 725-5590



STAFF REPORT

2/18/2026, Amended 3/18/2026

Application Date: 1/28/2026
Hearing Date: 3/26/2026
Petitioner: Burns and Hansen, P.A on behalf of Corey & Jackie Backer, Rose Mary Iversen, Scott & Cindy Hatleli
Reviewer: Amelia Meiners
Zoning: Agriculture Protection District
Address: N/A
Township: N/A
Parcel Number: N/A
Submitted Materials: Petition to Amend Houston County Zoning Ordinance Packet

OVERVIEW

REQUEST

The Petitioners are requesting to repeal the March 2025 decision to modify the density requirement for mines in the Houston County Zoning Ordinance. This was originally on the February agenda but was tabled at the request of the applicants.

SUMMARY OF NOTEWORTHY TOPICS

The applicants feel that there was not adequate public notice prior to the Planning Commission and Board of Commissioner decision on the following language amended in the Houston County Zoning Ordinance (HCZO) in March 2025.

That 2025 proposal added definitions of construction minerals and industrial minerals under Section 27.3 to mirror those in neighboring Fillmore and Winona Counties.

SECTION 27 – MINERAL EXTRACTION

27.3 DEFINITIONS

- a. *Construction minerals: The term "construction minerals" includes natural common rock, stone, aggregate, gravel and sand that is produced and used for local construction purposes, including road pavement, unpaved road gravel or cover, concrete, asphalt, building and dimension stone, railroad ballast, decorative stone, retaining walls, revetment stone, riprap, mortar sand, construction lime, agricultural lime and bedding for livestock operations, sewer and septic systems, landfills, and sand blasting. The term "construction minerals" does not include "industrial minerals" as defined below.*
- b. *Industrial minerals: The term "industrial minerals" includes naturally existing high quartz level stone, silica sand, quartz, graphite, diamonds, gemstones, kaolin, and other*

similar minerals used in industrial applications, but excluding construction minerals as defined above. Silica sand is categorized as an industrial mineral by the Minnesota Department of Natural Resources and the North American Industry Classification System under classification no. 212322. "Silica sand" has the meaning given in Minnesota Statutes, Section 116C.99, subd. 1 (d): "'Silica sand' means well-rounded, sand-sized grains of quartz (silicon dioxide), with very little impurities in terms of other minerals. Specifically, the silica sand for the purposes of this section is commercially valuable for use in the hydraulic fracturing of shale to obtain oil and natural gas. Silica sand does not include common rock, stone, aggregate, gravel, sand with low quartz level, or silica compounds recovered as a by-product of metallic mining." Minn. State Section 116C.99, subd. 1 (d) "Silica sand project" has the meaning given in Minnesota Statutes, Section 116C.99, subd. 1 (e): "'Silica Sand project' means the excavation and mining and processing of silica sand; the washing, cleaning, screening, crushing, filtering, drying, sorting, stockpiling, and storing of silica sand, either at the mining site or at any other site; hauling and transporting of silica sand; or a facility for transporting silica sand to destinations by rail, barge, truck, or other means of transportation." Minn. State. Section 116C.99, subd. 1 (e).

At the same time, the applicant requested to modify the density standard for sand mines by making it specific to industrial minerals only, thus opening opportunities for construction mineral mines in areas that were previously inaccessible. The intent was not to modify any regulation in regard to silica sand/frac sand and the 20-acre size limit was maintained. All mineral extraction still requires a conditional use permit which will review site specific impacts and set regulations accordingly. See language below.

27.8 OPERATIONAL PERFORMANCE STANDARDS

Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon lands described in the license, subject to the following operational performance standards:

Subdivision 1. General Requirements.

(5) Mine Density Standards. ~~New sand industrial mineral~~ mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming ~~sand industrial mineral~~ mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.

This application was handled consistent with other public hearing requests. It was reviewed by the Planning Commission on February 27, 2025 and those two changes were approved by the Board of Commissioners on March 18, 2025.

The current proposal upholds the definitions as adopted but proposes to modify language as shown below.

Section 27.8 Subd. 1 (5) – Mine Density Standards

- a. *Modify language as follows: New ~~industrial mineral~~ sand mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming ~~industrial mineral~~ sand mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.*

The end use of construction sand is for agriculture, septic systems, building sites and transportation projects, all of which are essential activities that take place in Houston County. The Comprehensive Land Use Plan identifies multiple goals that both protect natural resources and promote agriculture, economic development, and responsible rural housing development. The Planning Commission's initial decision considered the balance of protecting both our natural resources and residents as well as providing material that is necessary for development to continue in Houston County. It is unfair to place the burden of

supplying that raw material on neighboring counties that likely have similar values for protecting air, water and land resources for their citizens. Further, when sites are restricted you create a monopoly on products and increase transportation requirements that may result in increased emissions.

It is understood that numerous discussions took place regarding frac sand operations about a decade ago and the March 2025 amendment did not change regulations for those operations. Maintaining the setback for industrial mineral sites that are much more operationally intensive ensures additional protection to neighboring properties and infrastructure. The current ordinance does not require a setback for other aggregate resources falling under the definition of construction minerals (i.e. road gravel) and the mining and handling of construction sand would be more similar in operation to rock than industrial sand. The ordinance currently requires new dwellings meet a 1,000-foot setback from the boundary of an existing mine and that language did not change with the 2025 amendment. In addition, there is not and has not been a setback requirement to agricultural lands and implying the density standard is necessary to maintain that is misleading. If there is concern about concentrated operations that will be reviewed as part of the site-specific conditional use permit hearing, since applicants of any conditional use proposal must demonstrate there is a need for their good or service. When reviewing a specific location, neighboring property owners will be notified per HCZO Section 6.2 Subd. 2.

Included in the packet is the surficial geology plate from the County Geologic Atlas. The sand resource in question is classified as *Qat* and is shown in light yellow. This exists heavily in the Root River corridor and along its tributaries. While this shows you how that resource is dispersed throughout the County it does not depict the depth of material which is considered when reviewing whether a location is economical for a mining operation.

The ordinance does not provide the Planning Commission with specific findings from which to make a decision but perhaps the framework set up in the Comprehensive Land Use Plan may be helpful.

The following language is found under *Amending the Comprehensive Plan* on page 64.

Criteria to consider when reviewing an amendment:

- *The change is consistent with the overall vision of the County*
- *The change does not create an adverse impact on public facilities and services that cannot be mitigated*
- *The change results in development that is inconsistent with or negatively impacts surrounding properties*
- *The change results in consistency between city, township, county, and/or other regional plans*
- *The change is necessary due to an identified or demonstrated need not identified at the time of the Plan being adopted*

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Since this application was not tied to a specific location it was published in the Caledonia Argus, which is the legal newspaper, in addition to being sent to those agencies and municipalities regularly notified. Multiple comments were received and included in the packet.

EVALUATION

Section 8.6 of the Houston County Zoning Ordinance requires that the Planning Commission make findings in support of a decision but does not prescribe specific criteria. The following findings are proposed for your consideration.

1. One of Houston County's guiding values acknowledges that aggregate materials are important to the economic basis of the community and to use in construction, road maintenance and other uses, and strives to balance access to materials with protection of natural resources.
2. Another value in the Comprehensive Land Use Plan (CLUP) cites the importance of sound environmental practices that promote the efficient use of all natural resources and protection of environmentally sensitive natural resources. While it has been stated that this ordinance change creates unregulated mining, it is not unregulated. There are still County and State permitting requirements.
3. Goal 2.2 of the CLUP promotes agriculture as a viable land use and significant contribution to economic activity in the County and access to these construction materials is important for operations. In addition, the Plan recognizes the cultural and economic importance of agriculture to the community. Local decisions should support maintaining and sustaining the vitality of family farms and locally owned agricultural operations and support practices that balance the conservation of soil, water quality, and economic viability.
4. Tourists travel our roads and bike trails and utilize our establishments and these all require construction minerals to build and/or maintain.
5. Rock quarries, which are classified as construction minerals, exist in greater frequency in the County than sand mines and there is no density limitation required for those operations.
6. The amendments adopted in March 2025 did not change requirements for frac or industrial sand operations.
7. Raw materials are a necessary component of maintaining our infrastructure and keeping those small and local should be prioritized. It's not economical to transport materials long distances and you experience an environmental tradeoff by doing so with increased emissions, demand for fuels, etc.
8. Neighboring counties likely hold the same values for protection of natural resources and their citizens and it is unfair to place the additional burden of asking them to support our County as well.

RECOMMENDATION

The Planning Commission's initial decision considered the balance of protecting both our natural resources and residents as well as providing material that is necessary for development to continue and be affordable in Houston County. This amendment did not create a blanket approval of all sand mines and many of the same concerns would be raised whether or not a mine proposal had a setback requirement.

Should the Planning Commission decide to recommend approval, the following motion has been drafted for your consideration.

Motion to recommend adopting the change to Section 27.8 Subd. 1 (5) as proposed:

Section 27.8 Subd. 1 (5) – Mine Density Standards

- a. Modify language as follows: New ~~industrial mineral sand~~ mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming ~~industrial mineral sand~~ mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.

From: [REDACTED]
To: [HoCo Zoning](#)
Subject: Mine Density Standards Ordinance
Date: Friday, February 13, 2026 9:57:37 PM

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I am a resident of Rushford in Fillmore County, close to the border of Houston County. I am strongly in favor of the proposed amendment to the Mining Density Standards Ordinance, which will reverse changes made in March 2025 and bring standards back to protect the beauty of our counties along with tourism, streams, rivers, bluffs, wildlife habitats, and the continued health and safety of our communities.

Thank you for your thoughtful consideration of steps you can take to insure a future for the next generations of inhabitants of our cherished lands.

Sincerely,
Sonja Cook

From: [Lizzy Haywood](#)
To: [HoCo Zoning](#)
Subject: Comment on application regarding Ordinance Section 27.8 Subd. 1 (5)
Date: Saturday, February 14, 2026 10:56:34 AM

***** HOUSTON COUNTY SECURITY NOTICE *****

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Dear Houston County Planning Commission,
Thank you for making time on 2/26/26 for a hearing on an application by Burns & Hansen, P.A., regarding Ordinance Section 27.8 Subd. 1 (5) - Mine Density Standards.
I'm writing with my strong support of this application. It requests reinstatement of the ½ mile density standard for all new mineral mines, which was removed from the ordinance in March 2025.
The density standard is critical to safeguarding our land, water and air quality in Houston County. Maintaining a 1/2 mile density standard protects this area's tourism and agriculture economies, crucial wildlife habitat, and the health of all residents.

Thank you for your work on behalf of the people of Houston County.

Sincerely,

Lizzy Haywood
La Crescent, MN

From: [Joyce Roffler](#)
To: [HoCo Zoning](#)
Subject: Comment in Support on Application Re: Section 27
Date: Saturday, February 14, 2026 6:24:04 PM

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To Whom it May Concern,

I am writing in full support of Burns & Hansen, PA application to Amend Sect 27.8 Houston County Ordinance Mineral Extraction. The approval and acceptance of this application's request that the 1/2-mile density standard apply to not only to new industrial mineral mines but also be applied to any new construction mineral mines, is both fair and critical. Approving this application is necessary to ensure there are protections in place for both residents' welfare, and to preserve the unique beauty and landscape for future generations to come.

I believe this current application should not have even been necessary, as the previous ordinance language should have been kept in place.

The ordinance had been in place for almost a decade; that made the ½ mile density standard rule applicable to any and all new mineral/sand mines. It took years and hundreds of hours of public meetings, comments and discussions to get to that place and adopted in 2016.

Then, an out-of-county company submitted an application to change that and it was approved within a few weeks without one public comment made on the record or true transparency, nor public comments invited. The Planning Commission did not know how misleading and misrepresentative that proposal was when it was originally presented at the Feb 27th, 2025 meeting.

Please understand the importance of your support of this application's request to apply ½ mile density standard to ALL new mineral mines (both Construction & Industrial). If this application is not approved, it will have everlasting negative impacts to the welfare and health of all of Houston County's residents, land owners, and business owners.

Please vote YES in your motion to approve Burns & Hansen, PA application requests.

Thank you for your time and consideration.

Joyce Roffler
Rushford, MN
Yucatan Township

From: [Buckbee, Donna](#)
To: [HoCo Zoning](#)
Subject: ordinance change
Date: Sunday, February 15, 2026 4:36:51 PM

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I am requesting that Houston County reverse the changes they made back in March 2025 and for them to reapply ½ mile density rule to all new mineral mines both construction and industrial mineral mines.

I don't care what the sand is used for. We live in the most beautiful place on earth and we should preserve it for future generations.

We should not be subjected to the air pollution , noise, dangerous truck traffic, and loss of tourism dollars this would bring.

Donna Buckbee

From: [Wade Anderson](#)
To: [HoCo Zoning](#)
Subject: Support for 1/2 Mile Density Standard (Public meeting February 26)
Date: Monday, February 16, 2026 1:59:42 PM

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Dear *Houston County Planning and Zoning*,

I am writing in support of the application to amend the ordinance (27.8 Subd.1 (5)-Mine Density Standard) to include and uphold a 1/2 mile density standard for sand mining operations. This standard provides a reasonable and necessary buffer between industrial activity and nearby homes, helping to minimize impacts such as noise, dust, and increased traffic.

Establishing a clear 1/2 mile density requirement promotes responsible development while protecting the health, safety, and quality of life of surrounding residents. It also ensures consistency and fairness in how future applications are reviewed.

I respectfully urge you to approve the ordinance amendment supporting the 1/2 mile density standard for sand mining.

Thank you for your time and consideration.

Sincerely,

Wade Anderson



Rushford, MN 55971

From: [Rosie Iversen](#)
To: [HoCo Zoning](#)
Subject: Public meeting/February 26, 2026
Date: Monday, February 16, 2026 2:17:51 PM

***** HOUSTON COUNTY SECURITY NOTICE *****

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To: Environmental Services Dept.
Re: Mine density standards public hearing

The amendment made (3/18/25) to mine density standards certainly didn't take into account important factors. The public and especially the abutting property owners should have been properly notified and included in on this important decision. Please consider our requests which we feel will provide clarity and protection in future mining applications.

I own a piece of bluff land that is being devastated by owners/businesses whose sole interest is in the money made in extracting natural resources for construction projects. This out of state company won't be around for the disruptions and gutted landscapes that local property owners and families will live with daily. Most concerning is the permanent removal of land that create the natural attributes of the blufflands.

The Erickson mine borders my property on the west. With the mining application less than 1/2 mile away and bordering my property on the east I would be sandwiched in between 2 mines. The integrity of the bluff and value of my property is significantly affected.

I have submitted documentation in the past from the MN Department of Natural Resources who did an evaluation of my property describing the blufflands subsection which my property is part of. This was done by Jaime Edwards who is a non game wildlife specialist with the DNR. Without amending the mine density standards much of this will be destroyed.

I quote from her report "The blufflands subsection has the rarest habitat types remaining in Minnesota, including prairie and oak savanna. This subsection also harbors the highest number of wildlife species that are of greatest conservation concern in Minnesota". "The Iversen property has 3 rare plant communities. Overall the property lies within a larger complex of oak barrens/savanna and oak forest. It is one of the few larger barrens complexes remaining in Minnesota. While not comprising a significant portion of the property, the plant community is rather rare in SE Mn. MCBS ranked the habitat found on the Iversen property and surrounding area as having outstanding biodiversity. Very few areas with this ranking, the highest level, remain in Minnesota." This doesn't apply just to my land but to the bluff as a whole. A drive around Houston County is hard to put into words. It's another world! Let's try to keep it that way.

Respectfully,
Rosemary Iversen

[REDACTED]
Rushford, Mn 55971

[REDACTED]

Dear Planning Commission Members,

I wanted to provide a few additional comments in regards to our application to a text amendment of the Houston County Ordinance, Section 27 – Mineral Extraction. Re-establishing the ½ mile density standard is the right thing to do for the people of Houston County.

As stated on the Houston County Website, “Ordinances are adopted and enforced to protect, preserve, and promote the public health, safety and general welfare.” By definition “general welfare” refers to the overall well-being, health, safety and prosperity of the entire community (or County), rather than the specific interests of particular individuals or groups. Last March when the decision to remove county-wide density standards took place the entire county was affected in a negative way. Sand mining became unregulated, allowing construction sand mines to essentially start up next to each other with no ½ mile setback. A ½ mile setback serves as a critical buffer to reduce the likelihood of contamination and environmental degradation. It provides space to protect aquifers, private drinking wells, rivers/streams, and wildlife habitat from unintended consequences. It also protects residents and families living in Houston County.

We currently live next to an active sand mine and depended on the ½ mile density standard to protect our property values, our groundwater, our quality of life and overall general welfare. My husband and I and our two kids spend as much time as possible outdoors, enjoying the natural resources, wildlife, and everything rural living has to offer. Living next to one mine is bad enough, I can’t imagine having our property surrounded on three sides with multiple sand mines. Mining operations have significant and long-lasting impacts on surrounding property and families, including noise, dust, vibration, increased truck traffic, ground water concerns and overall changes to the beautiful scenic landscape of this area. The ½ mile density standard protects us from all of this.

Our proposed text amendment does not prohibit mining. Instead, it establishes clear and predictable boundaries that balance mining activity with the rights of residents and families. It is also a reasonable, science-based step toward ensuring that mining activity does not compromise the integrity of our water, land, and ecosystems.

I respectfully urge the Planning Commission to support our common-sense text amendment to strengthen our zoning ordinance for the benefit of the entire Houston County community.

Thank you for your time and consideration,

Cory and Jackie Baker



Yucatan Township & Money Creek Township

Dear County Commissioners/Zoning Board,

I wanted to take a few moments to outline my strong support to Grant the petition to implement ½ mile mining density standards. The previous change did not allow for public input since the notice was listed in the Argus. We live in Money Creek Township on the very west edge and we do not receive the paper as free distribution nor do we subscribe to it and spend as little time on technology as we can. The County had the responsibility to look at existing mines and locate all landowners who would be affected by removing the mine density standards. The Counties GIS department could have simply buffered by ½ mile existing mines and send mail notices to all affected. The County is efficient at getting us our tax statements to the right mail address and should make the same effort when taxpayers land is affected by County decisions.

I find it odd that feedlots have density standards as well rural dwelling sites i.e. 1 dwelling per 40 acres. Removing mine density criteria exacerbates all the associated problems associated with sand/silica mining. I'm confident the County will recognize that a preponderance of the construction/ag sand will be removed and used commercially. The majority of the constituents and state agencies recognize that mining operators are using current language to skirt the real reason they are mining sand. They are exhausting studies to prove that sand mining creates noise/dust/water other degrading environmental impacts say nothing about aesthetics and traffic to the County's pristine environment!

I will close with I'm not against sand mining but am not in favor of aggregated mining activities and again encourage granting the petition for ½ mile mine density standards.

Take Care
Dean and Kim Mierau

From: Luke Hatleli [REDACTED]
Sent: Tuesday, February 17, 2026 11:19 AM
To: Amelia Meiners <AMeiners@HoCoMN.gov>
Subject: Repeal of March 2025 1/2 mile Mine Density Ordinance change

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Dear Amelia and members of the Planning Committee:

I am for the repeal of the recent changes (March 2025) made to the Houston County ordinance that pertains to the removal of the 1/2 mile mine density standard and the adding of definitions for construction and industrial sand mines.

I grew up in the Rushford area and my wife and I are strongly considering moving back to the area in the near future. As a child, I remember my dad asking me if I wanted him to build a house across from the football field in Rushford or move out to the country. Little did we know all of the benefits the land in the country would bring to our family. Spending time over the years in the woods (working, hunting, hiking) within a healthy wildlife habitat has taught me the value of what nature has to offer and we hope to pass that on to our children. This past fall, my oldest daughter and I hunted two stands literally on the Root River (very close to the proposed sand mine) for buck opener. If the mine passes, new memories will no longer be made.

My wife and I have a great amount of family in the area. Some that live directly across the entrance of the proposed sand mine. We would love to move to the area and be closer to our families, but our plans for the move will be directly influenced by the decision made by the Planning Committee on this issue since we are planning on building on property that my father owns. Our first choice is in Houston County, however, if the recent changes remain in effect, we may need to change our plans and not build on the acreage by the Root River adjoining the Olson property.

Respectfully,

Luke Hatleli

From: [REDACTED]
Sent: Tuesday, February 17, 2026 12:42 PM
To: Amelia Meiners <AMEiners@HoCoMN.gov>
Subject: Fw: Public comment on sand mine density standard amendment reversal request.

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Amelia and the Houston County Planning Committee members:

When I first moved to South East Minnesota I was astonished by the large hills and pristine streams and rivers that wind through the many coulees and valleys found here. I came from flatter land speckled with lakes left from the last glacier retreat. This land was the most beautiful land that I had ever come across in the mid west. I treasure the beauty of the environment and the diversity that was unique to each river, hill and valley here.

I am like so many others that recognize and appreciate SE MN has to offer once we have taken in the beauty of the land. I understand that it is not always easy to see the value of what you have had all of your life, but for someone seeing it for the first time it is overwhelming. The love for the natural beauty that we wake up to each day can be taken for granted if that is all that we are used to. This beauty lead me to return to college and learn more about the karst terrain we call home.

Without going into all that can be learned through the years of study, I want to say that our karst terrain defines SE MN. It provides many opportunities not found in most other environments found around the world. We can boast pristine trout streams that can only survive if there are the hills that can filter the rain water deep within the hills. Our Karst formations provide the springs, that feed the streams, that keep the water temperatures suitable, to sustain the trout. This is a rare and unique ecosystem that cannot be duplicated or restored.

We have the streams that feed the rivers such as the Root River which provides many adventures for our residents and for visitors to enjoy with kayaking, tubing, canoeing, fishing or simply sitting back and enjoying the relaxing times by the shoreline watching happy adventurers go by in their tubes. The recreation activities available in our hilly, karst terrain is among some of the best recreational areas in the State and should not be lightly dismissed.

We have the enjoyment of the wildlife. We have deer, wild turkeys, that provide a haven for hunters. However, the sight of bald eagles, bobcats, sand cranes, martins, beavers, and yes even a cougar on our property are the sights that can be held close to our hearts. These animals call the hills and forests their homes. Many of which would be gone if the hills were taken away.

Sure, we have a lot of hills in Houston County. That is true. So, why would we need to eliminate mine density standards? Why would we need to stack mines up one next to another?

We can't say that it is for the specific type of sand located in one particular hill or area when we are searching for cattle bedding. That doesn't fly. The sandstone and limestone left behind through the millennia provides the perfect conditions for rainwater to seep into the soil where the slightly acidic composition of the droplets began to slowly erode the bedrock below and creating the caves and cavern populating our hillsides. It also can provide direct conduits where this water can travel for miles undetected and hidden beneath the ground. I have assisted in dye traces and independent studies attempting to determine the flows of dyes and the connections between sinkholes, caves, springs, streams and yes, even wells, Karst is an extremely sensitive system. You cannot stand on top of a hill and predict where the dye will flow. These fractures and conduits created by rainwater throughout the ages can not be understood or predicted without extensive research. To allow multiple mine sites within 1/2 mile of one another, or less, is providing a free path to destroying the landscape beauty, habitat for rare species, aquifers that provide clean water to our homes and our trout streams, surface water activities such as fishing and other recreational enjoyment, to name just a few, is unforgivable and unrestorable. Once it is gone, it cannot be replaced.

Houston County claims in their ordinance to be set on protecting the residents, natural beauty, and the farmlands yet push through an ordinance change that threatens to destroy the very items that the County has stated that it holds close. They did not consider the impact that allowing multiple, back to back, sand mines in a concentrated locale would create. The guise of wanting to protect the farmland and tourism while keeping residents in a healthy environment cannot be achieved by removing mine density standards.

I am in agreement with the petition to revert the ordinance back to the wordage as it appeared in the 2014 ordinance prior to the amendment pushed through in 2025. Protect our environment for the safety of the citizens and keep the unique ecosystems that provide homes for our feathered, finned and furry creatures that call it home.

Respectfully,
Cynthia Cresswell Hatleli
Resident of Yucatan Township

From: [REDACTED]
Sent: Tuesday, February 17, 2026 2:15 PM
To: Amelia Meiners <AMEiners@HoCoMN.gov>
Subject: public input comments from another member of this household

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Amelia and Houston County Planning Committee Members:

I would like to request that the committee and the Commissioners revert the sand mine density standards, written by G-Cubed, and approved by the planning committee, sent on for the County Commissioners approval, in March 2025, back to the original wording set in the 2014 ordinance.

In February 2024, I offered the Hoiland Estate the asking price for 195 acres along the Root River. Our offer was accepted. We then put our snowbird, dream home in Florida up for sale to finance the purchase. It was a difficult decision since we had looked forward to being able to enjoy the Florida home once we retired. The 195 acre purchase was completed. This recently purchased land adjoins the recently purchased Olson property located between highway 16 and the Root River. At the time we purchased the land from the Hoiland Estate there was no mention of the County wanting to change the mine density standard or should we say eliminating the mine density standard.

The reason that we purchased this land was for my son to build a home for his family and for all of us to enjoy the pristine surroundings the land holds as an ideal location for building a home, hunting, fishing and farming. Learning about the March 2024 amendment change has been disappointing for us all. We question whether we would like to pursue building a home on the land adjoining a sand mine site. We question whether we would still be able to find a suitable site to build where we would be avoiding the floodplain and the mine setback for homes. We question whether the originally proposed Olson sand mine with a 220 foot high face with a 50' setback from our land, would cause irreversible damage to our land due to erosion. If we decided to sell the land, due to the adjoining sand mine, would we be able to recoup our initial investment or would our value drop because of the sand mine. As we promised the Hoiland family upon making our offer, we would not allow this land to be developed with the exception of a home or two. We would see to it that it would be kept pristine. We would keep that promise to the Hoiland family in whatever the future brings. This was in line with what the estate intended since the estate had turned down an offer for more than \$100,000 over the asking price to ensure that it would not be developed or open to the public.

We care deeply about the environment. Although we have only owned this land for less than two years, we have enrolled this land in a brush management contract with a certified arborist, Paul Ahern, at a cost of \$800/acre. Paul is contracted to cut and treat the stumps of the invasive and/or unwanted species that are in the woodland. We are doing this to promote a healthier stand of hardwood. This brush management project adjoins the proposed Olson/Bruening sand mine. Our goal was to increase the health of the forest land encompassing the hillsides,. We ae sickened by the thought of part of the hill being torn down for cattle bedding.

I have been following the news and talking with landowners from both Fillmore and Winona Counties. What I've been hearing is that every other county in the driftless area is doing the opposite from what is being done in Houston County. They are trying to preserve the beauty of their counties. One recent case in point is the issue brought up in Dakota County. Dakota County asked for an additional environmental review of the Nelson-Mine. The contractor withdrew their request and the proposed mine was not granted a permit. Dakota County stood up to the businesses and protected their citizens from any sand mine repercussions.

I believe that Houston County needs to stand up and uphold it's promise to protect the health of it's residents, the beauty of the environment, and the promotion of tourism. Nowhere does the Houston County Ordinance or the Comprehensive Land Use Plan state that it is there to promote the development of mines, especially promoting them to be back to back or within 1/2 mile of one another, over the preservation of the environment and the health and well being of the citizens.

I am asking you to revert the amendment made in March 2025 concerning the mine density standards and the two sand mining definitions that were wrapped up in that one amendment.

Sincerely,

Scott Hatleli

From: [Deb Hoskins](#)
To: [HoCo Zoning](#)
Subject: Mining density
Date: Monday, March 16, 2026 7:47:48 AM

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I support the half-mile density standard for all new sand mines. Our fragile environment, the health and safety of our neighbors, and the preservation of the natural beauty of the place we live in matter to me a great deal.

Thank you for listening.

From: [GREGORY YAKLE](#)
To: [HoCo Zoning](#)
Subject: Mining
Date: Saturday, March 14, 2026 9:35:20 AM

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Greg and I both support 1/2 mile set back between sand mines. Please seriously consider this for the sake of current landowners, our fragile ecosystem and future generations. Thank you, Anne and Greg Yakle.

Get [Outlook for iOS](#)

From: [REDACTED]
To: [HoCo Zoning](#); [REDACTED]
Subject: sand mine zoning
Date: Monday, March 16, 2026 10:04:55 AM

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Dear Houston County Sand Mine Zoning Boards,

In March, 2025, both boards removed the 1/2 mile sand mine density provision and changed it to 1/4 mile without adequate public notice. Increasing sand mine density within the Driftless region

will undoubtedly contribute to more environmental destruction of this very fragile region.

We worked many hours to get the 1/2 mile density in place in 2016. Winona County achieved

a moratorium in sand mine building. We were not so fortunate.

Please consider changing this rule back to 1/2 mile density for building sand mines.

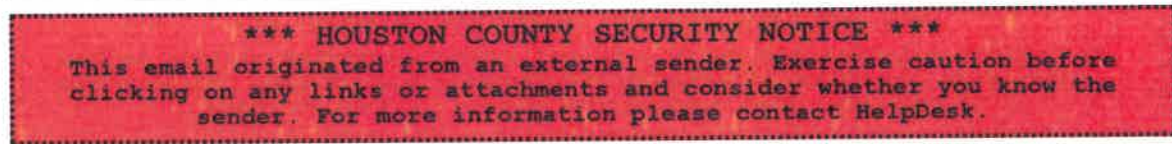
Thank you for consideration in this matter.

Sincerely,

Mary M. Denzer

[REDACTED]
Houston, MN 55943

From: [Liz Wanschura](#)
To: [HoCo Zoning](#)
Subject: Mining in Houston County
Date: Monday, March 16, 2026 10:23:26 AM



Dear Houston County Commissioners:

I'm writing in support of the 1/2 mile density standards for all new sand mines. Our unique karst landscape is particularly sensitive to water pollution from mining, and increased mining affects the great natural beauty of our area, is environmentally destructive and detrimental to wildlife.

Please reinstate the 1/2 mile density standards for ALL sand mines.

Sincerely,

Liz Wanschura

From: [Jodi Hilderbrand](#)
To: [HoCo Zoning](#)
Subject: Sand mines
Date: Monday, March 16, 2026 10:27:34 AM

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Hello,

We would like to voice our concern as residents along the Root River to the dangers posed by sand mining. Please do not allow our land and water to be ruined forever. We support the 1/2 mile density standard.

Thank you,
Jodi Hilderbrand and Marty Netzel


Sent from my iPhone

From: [tbal](#)
To: [HoCo Zoning](#)
Subject: Mine setback request
Date: Monday, March 16, 2026 10:42:56 AM

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As one of the two nearest neighbors to the proposed mine, and long time resident, I am quite disappointed that this setback was changed at all. It not only is not necessary, but disrupts an entire neighborhood for a service that is already available in very close proximity. I would like the 1/2 mile setback reinstated.

The present landowners have other property where a mine could be started without the disruption to our neighborhood, or the eco system of the proposed site.

There are just too many drawbacks...too close to an existing mine, too close to a protected trout stream, a wetland area, the river, and exposed frac sand hill on the river which is all home to many bald and golden eagles. Not to mention the wide range of wild animals in our neighborhood.

We have all invested in our homes and would really hate to see the damage done by the vibration of the blasting, construction equipment, dump trucks, etc. And the noises which will make my dogs go crazy (backup beepers).

It is my belief that over time, the vibration will cause the exposed sand wall overlooking the river to slide into the river changing the path of the water which could erode into our riverbank, and/or settle onto the river bottom. That will change canoeing, fishing, innertubing, and basically all river activity. Will it drift to change the flow of our creek?

Also, what are the effects to our water supply, air quality, aesthetics.

I think that something this life changing for so many people really needs to take precedence over what one persons' 'wants' are. It is creating nothing but animosity. Why should the current residents be overlooked to suit the desires of one?

We have all been good stewards of our properties, and I believe something born from so much need of change to our ordinances and secrecy as well as the deception/trespassing to make these things happen, does not speak well to the needs of the community as a whole.

The barriers that have to be overlooked and changed for the benefit of this endeavor are numerous, and should not be set aside as frivolous. Those barriers were in place for a reason. Please take all these things in mind when you, OUR representatives, make your final decision.

We are watching, and hope you act in the best interest of ALL.

Thank you,
Rebecca Christensen

Sent from my Galaxy

From: [REDACTED]
To: [HoCo Zoning](#)
Subject: Planning Commission Public Comments
Date: Monday, March 16, 2026 11:14:37 AM

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A Clear Imbalance in Current Zoning

Under current zoning rules:

- **Only one house is allowed on forty acres, yet**
- **There is no limit on how many sand mines can be permitted on that same forty acres.**

This means a single family home is tightly regulated, while multiple high-impact industrial uses can be layered onto the same land with no density cap. That imbalance is inconsistent with the county's responsibility to protect rural character, public health, and long-term land stewardship.

A False Distinction Between “Construction” and “Industrial” Sand

The current ordinance separates “construction sand” from “industrial sand,” but this distinction is based on **end use**, not environmental impact.

- Both can come from the same geologic formations.
- Both require the same excavation and land disturbance.
- Both create the same risks to groundwater, air quality, roads, and nearby residents.

Treating them as fundamentally different creates a false dichotomy that hides cumulative impacts and opens a loophole where a large, high-impact mine can be labeled “construction sand” to avoid spacing and size rules.

Examples of cumulative impacts from mine clustering

- Increased groundwater contamination risk in karst terrain
- Declining air quality from dust and diesel emissions
- Intensified truck traffic and accelerated road damage
- Greater noise, vibration, and disruption to rural neighborhoods
- Loss of forest cover and soil stability

- Increased sedimentation and runoff into trout-stream watersheds

What Responsible Regulation Looks Like

A ½-mile spacing requirement—or even a 1,000-foot spacing requirement—means **only one mine can fit on a 40-acre parcel**, because the required separation distance is larger than the parcel itself. This is a reasonable, science-based approach that prevents clustering without prohibiting mining.

John and Linda Griggs

[REDACTED]
Houston, MN 55943

From: [Chris Priebe](#)
To: [Amelia Meiners](#); [Amelia Meiners](#)
Subject: Burns & Hansen, P.A. on behalf of Cory & Jackie Baker, Scott & Cindy Hatleli, and
Date: Monday, March 16, 2026 2:05:41 PM
Attachments: [Zoning Ordinance Amendment 1-16-25.pdf](#)

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Amelia,

I would like to add to the public comment for the upcoming zoning amendment hearing the attached letter which should be part of the original public record from the original zoning amendment on why the initial zoning change was proposed and unanimously amended.

We would also like to state that construction sand resource utilized in local construction projects including septic systems and dairy operations is not widely spread out within Houston County. This material is in demand and there is limited supply. The sand resource is typically found within pockets within the county. Adding a density restriction for construction materials not only raises the cost of the material it limits landowners from utilizing the resource on their land. One land owner could pull a permit for a sand quarry and utilize it for personal use and that would limit the adjacent landowner from opening a quarry to serve the public. The county does not restrict limestone or other aggregate quarries used in local construction projects and it would be inconsistent to do so with such a wide term as sand. The separate definitions of industrial sand and construction sand, as is currently written, protects the county from large scale industrial frac sand mining and that was the intent of the original ordinance.

Leaving the zoning that is currently in place "as is" would be consistent with the adjacent counties and will help keep the construction sand material available within the county at an affordable cost.

Thank you for your time,

Chris Priebe

Senior Vice President

G-Cubed

[www.ggg.to](#)



ENGINEERING
SURVEYING
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January 16, 2025

Houston County Planning and Zoning
Attn: Amelia Meiners
304 S. Marshall St.
Caledonia, MN 55921

RE: Houston County Zoning Ordinance Section 27 – Mineral Extraction

Dear Amelia,

After reviewing Winona and Fillmore Counties Zoning ordinances on Mining and Mineral extraction, we believe the easiest and cleanest way to update the Houston County ordinance would be to add the definition of Construction Minerals and Industrial Minerals under 27.3 Definitions to the Houston County Mineral Extraction ordinance. Both the Winona and the Fillmore ordinances define Construction Minerals and Industrial Minerals similarly and both call out the industrial minerals to be used in hydraulic fracturing and exempt construction minerals from industrial mineral standards.

We recommend adding two definitions to your Section 27.3 DEFINITIONS as follows:

Subdivision 5 Construction Minerals. The term “construction minerals” includes natural common rock, stone, aggregate, gravel and sand that is produced and used for local construction purposes, including road pavement, unpaved road gravel or cover, concrete, asphalt, building and dimension stone, railroad ballast, decorative stone, retaining walls, revetment stone, riprap, mortar sand, construction lime, agricultural lime and bedding for livestock operations, sewer and septic systems, landfills, and sand blasting. The term “construction minerals” does not include “industrial minerals” as defined below.

Subdivision 6 Industrial Minerals. The term “industrial minerals” includes naturally existing high quartz level stone, silica sand, quartz, graphite, diamonds, gemstones, kaolin, and other similar minerals used in industrial applications, but excluding construction minerals as defined above. Silica sand is categorized as an industrial mineral by the Minnesota Department of Natural Resources and the North American Industry Classification System under classification no. 212322. “Silica sand” has the meaning given in Minnesota Statutes, section 116C.99, subd. 1 (d): “‘Silica sand’ means well-rounded, sand-sized grains of quartz (silicon dioxide), with very little impurities in terms of other minerals. Specifically, the silica sand for the purposes of this section is commercially valuable for use in the hydraulic fracturing of shale to obtain oil and natural gas. Silica sand does not include common rock, stone, aggregate, gravel, sand with a low quartz level, or silica compounds recovered as a by-product of metallic mining.” Minn. Stat. Section 116C.99, subd. 1 (d) “‘Silica sand project’ has the meaning given in Minnesota Statutes, section 116C.99, subd. 1 (e): “‘Silica Sand project’ means the excavation and mining and processing of silica sand; the washing, cleaning, screening, crushing, filtering, drying, sorting, stockpiling, and storing of silica sand, either at the mining site or at any other site; hauling and transporting of silica sand; or a facility for transporting silica sand to destinations by rail, barge, truck, or other means of transportation.” Minn. Stat. Section 116C.99, subd. 1 (e).

The two county ordinances handle industrial mineral mining differently. Winona outright bans it. Fillmore only allows a certain size and quantity within the county. Your ordinance already has the density statement and a maximum acreage of 20 acres written in your language. Therefore, we suggest applying your density standards to the industrial mineral extraction and not to construction mineral extraction. To accomplish this you need to need to update Section 27.8 Sub. 1 (5) to read:

(5) Mine Density Standards. New **sand industrial mineral** mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming **sand industrial mineral** mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.

We utilized Winona County's definitions of Construction Minerals and Industrial Minerals as their ordinance was challenged at the supreme court by Minnesota Sands. The definitions and ordinance held up and they were allowed to separate requirements for the different mineral extraction definitions. I have attached pages 3 and 4 of that ruling for your reference. I have also attached portions of Winona and Fillmore Counties ordinances with pertinent definitions and areas highlighted for your use.

We feel this zoning amendment is compatible and in accordance with the Houston County Land Use plan as the plan outlines the priority of agriculture and safe transportation within the county. The zoning amendment would separate industrial mineral (Frac Sand) mining and construction mineral mining which has the end use of agriculture and construction projects (roads). Currently the cost for sand in the dairy and septic industry is hauled from out of county locations due to the limited ability to find the product within the county. The amendment would allow for shorter hauling routes with making the resource more affordable to the agriculture and construction industries operating in Houston County. .

If you have any additional questions, concerns, or need more information feel free to reach out to my office at [REDACTED]

Sincerely,



Chris Priebe,
Senior Vice President



Geoffrey G Griffin,
CEO

Attachments: Winona County Zoning Ordinance – Mining and Land Alterations
Fillmore County Zoning Ordinance – Excavation and Mining areas
Supreme Court Ruling on Minnesota Sands Vs. Winona County

From: [Buckbee, Donna](#)
To: [HoCo Zoning](#)
Subject: density standards
Date: Monday, March 16, 2026 2:12:37 PM

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I support the 1/2 mile density standards for new mines and signed the petition.

Moreover, a few weeks ago this commission denied an application by a sheep farmer for a solar panel array suggesting the panels would be unsightly. How much more unsightly would a mine be if located in the scenic Root River Valley! Once this scenic treasure is destroyed it is gone forever. Please preserve this beauty for all future generations.

Donna Buckbee
Yucatan Township
[REDACTED]
Rushford MN 55971

From: [Annie Hoiland](#)
To: [HoCo Zoning](#)
Subject: Re: Section 27.8 Mine Density Standards
Date: Monday, March 16, 2026 2:40:27 PM

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Environmental Services Dept-

I wanted to write to express my support of reinstating the 1/2 mile setback.

Thank you,
Annie Hoiland

From: [Iver Burl](#)
To: [HoCo Zoning](#)
Subject: Sand Mine Density Concern
Date: Monday, March 16, 2026 4:10:29 PM

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I believe increasing density of sand mining operations will cause cumulative harm to our environment, blufflands, roads, and communities. When mines are clustered together, the negative impacts—such as water pollution, air quality issues, traffic congestion, and disruption to daily life—are multiplied. As a Houston County resident, I request you return the 1/2 mile density standard for ALL new sand mines. I also request you transparently, and publicly, notify ALL residents of such changes before they are made.

Rebecca Burland

Spring Grove, Minnesota 55974

From: [Lizzy Haywood](#)
To: [HoCo Zoning](#)
Subject: Support for amendment Section 27.8 Subd. 1 (5) – Mine Density Standards
Date: Monday, March 16, 2026 10:14:12 PM

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Dear Houston County Planning Commission,

Thank you for making time on 3/26/26 regarding Ordinance Section 27.8 Subd. 1 (5) - Mine Density Standards.

I'm writing with my strong support of this application. The amendment is for reinstatement of the ½ mile density standard for all new mineral mines, which was removed from the ordinance in March 2025.

The density standard is critical to safeguarding our land, water and air quality in Houston County. Maintaining a 1/2 mile density standard protects this area's tourism and agriculture economies, crucial wildlife habitat, and the health of all residents.

Thank you for your work on behalf of the people of Houston County.

Sincerely,

Lizzy Haywood
La Crescent, MN

From: [John Haines](#)
To: [HoCo Zoning](#)
Subject: 1/2 mile sand mine density Ord.
Date: Tuesday, March 17, 2026 10:26:48 AM

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I hope the 1/2 mile req is restored. The claim that there is a cattle bedding shortage does not have the "ring" of truth when you consider the Corp. of engineers is giving sand away. See you on the 26th.

John Haines

[REDACTED]
Houston, Mn 55943

Commissioners, Zoning Committee and Environmental Services:

I would like to focus your attention on the events that led to the passing of the change in mine density standards and the definition of construction and industrial mining.

I understand that it was determined by the County that the amendments were not site specific. However, it was undeniably **site intended** for the Olson mine to be approved and therefore, the neighbors surrounding the proposed mine should have been notified of the meeting being held to do so.

The timeline of events leading up to the meeting:

1. In September 2023, Clair, Patricia and Jarad Olson purchased land from the Hoiland Estate.
2. November 2023, Bruening Rock Products (BRP) notified Houston County Zoning that G-Cubed had been retained to represent BRP for purposes of zoning and development matters before the County.
3. January 20, 2024, The Olsons signed a lease with BRP. In that lease, under miscellaneous provision, and I quote "Lessor may purchase, for their own use, sand from the real estate for the price of \$7.50/ton and trucking of same for \$4 for the haul."
4. January 16, 2025, G-Cubed applied to amend two sections of the Zoning Ordinance. These were on mineral extraction and mine density standards, Sections 27.3 and 27.8 1 (5). It took one year of working with Martin, Zoning Department, and the staff to come up with new wording to ensure that Bruening would be able to mine the quarry.
5. February 12, 2025, County Zoning notified the public of a meeting via one ad in the Caledonia Argus. The Argus is not readily available to the west end of the County residents. The proposed Olson mine is in the west end of the County.
6. February 27, 2025, G-Cubed presented the proposed amendment changes, that were written by G-Cubed for the sole purpose of getting the Olson mine approved, to the County.
7. March 18, 2025, The County Board of Commissioners approved G-Cubed's application to amend the ordinance with no public comment.
8. June 26, 2025, Olson mine application was submitted to Zoning.
9. August 14, 2025, Neighboring property owners were notified of the public hearing for the application made by G-Cubed on behalf of BRP.
10. August 19, 2025, Public comments were due in the Zoning Office.

11. August 20, 2025, A notice was sent to all that had submitted a comment, stating that the applicants had decided to withdraw their application for the August public hearing due to the applicant requesting more time to gather supplemental information.
12. August 20, 2025, The Zoning office was asked if the public comments were shared with the mining group and were told that they were shared verbally.

This timeline indicates that the amendments 27.3 and 27.8 1 (5) were written by G-Cubed and approved for the proposed Olson mine. There was a need to change the mine density standard since the Erickson mine fell within the ½ mile mine density standard that was currently in place. Without the mine density standard change, the proposed Olsen mine would not be possible.

Since the amendments were made specifically for the Olson mine, the neighbors of the proposed mine should have been made aware of the proposed changes in writing. Since this was not the case, we are requesting that the amendments regarding mine density standards and the definition changes be reverted to how the ordinance read when it was adopted in 2014.

To amend this ordinance without the proper notification to the proposed mine neighbors knowing that the changes were made to ensure the Olson mine could be approved could be considered a dereliction of duties somewhere within the system and was hidden under the guise of “not being site specific”.

All involved knew then, as they know now, it was undisputedly **site intended**.

Side note: The ordinance was adopted in 2014, after many hours of back-and-forth conversations, to reach a compromise between the mining companies and the public. It was a restraint for some mining but was not meant to stop mining. The changes made in 2025 were not a compromise and were a change made to benefit one family at the risk of the constituents of the County.

I ask that you right this wrong and revert both changes back to the original wording prior to the changes made in March 2025.

Respectfully,

Cynthia Cresswell Hatleli

Zoning Department, County Commissioner's, and Planning Committee:

Houston County needs to reverse the amendments that G-Cubed wrote for the Zoning Department, making it easier to mine sand in Houston County.

This amendment may never have happened if there had been public input. The public has been against issuing CUP permits for sand mining since as far back as 2014 when the Erickson mine was being discussed.

When I was gathering signatures for the petition that we have submitted to the County, I repeatedly heard from the taxpayers that it doesn't really matter what the sand is going to be used for the result is the same. We will all be looking at an ugly quarry site, subject to health issues, safety issues due to increased traffic, the environment will be destroyed which can include many endangered or rare species, and tourism along the Root River will decrease whether you call the sand industrial or construction sand.

Houston County has no shortage of sand. There is no reason to reduce or eliminate the mine density standards or to have definitions for industrial or construction sands. A rose of any other name is still a rose.

I was told by Amelia from Zoning that there was a shortage of sand for construction. My first thoughts were during my 38 years of working for Acentek, formerly Ace, I worked alongside the construction crew many times. I saw that there is no shortage of sand in Houston County. Because there is sand everywhere in Houston County, we don't need to place sand mines within ½ mile of each other and certainly not between a Historical Scenic Highway and the tourist attracting Root River. There are plenty of other options available.

In Brownsville there are tall hills of sand with no place to go. The Army Corp of Engineers has a Facebook page asking people to take the sand without charge. The sand can be taken once the Army Corp is contacted and permission is granted. Weiser Septic and Excavating told us, when asked, that they use it a lot for septic and construction purposes.

The dredging will become more prevalent as time goes on and it is a never-ending battle on the Mississippi River. **The Mississippi River needs to be kept open to barges for the transportation of grain and fertilizer shipped into our predominately agricultural county.** The dredge piles are growing and the need to utilize this sand is increasing. We can work on both the need for sand as well as the usage of dredged sand by reverting to the ½ mile sand density standard and encouraging the use of the dredged sand hills for septic and construction purposes.

Our neighboring counties within the Driftless area are working towards protecting our natural resources. The most recent example would be the Dakota County response to a proposed sand mine expansion. They recently rejected the request for the expansion.

I urge you to repeal the amendments made in March 2025 and return the ordinance to the original intent for sand mine density standards along with the changes in the definitions of construction or industrial sand usages. The 266 signatures and counting on our petition need to be recognized. The citizens of the County should be put ahead of the wants of one family within the County, and the natural beauty of the area should be protected.

Respectfully,

Scott Hatleli

From: [REDACTED]
To: [HoCo Zoning](#)
Subject: 1/2 mile standard
Date: Tuesday, March 17, 2026 2:34:40 PM

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Hi,

I would like to add my voice to the issue that I support the 1/2 mile density standard for all new sand mines. Please let reason prevail.

Thank you,

Roberta Schmidt, Gunsmith Road, Houston

Dear Planning Commission,

I wanted to share some research regarding the potential impact of silica sand mining on nearby property values. Multiple economic studies have found that proximity to a sand mine can result in measurable decreases in property values, with the level of impact largely depending on distance from the operation. (Sources listed below)

- For properties located very close to a mine (within about half a mile), studies have estimated value reductions of up to approximately 20 percent.
- Homes located between roughly 0.5 and 1 mile away have shown decreases in the range of about 10 to 15 percent.
- The impact continues to lessen with distance, with properties 1 to 2 miles away seeing estimated reductions of around 8 to 10 percent, and those up to 3 miles away experiencing smaller effects in the range of about 5 percent.
- Some broader analyses have also found an average reduction of around 19 percent for properties located within approximately 1.2 miles of a sand mining operation.

This is very important information for Houston County to consider as property values determines the tax base. When property values become lower due to mine presence, the tax base would be lower and this would cause the tax burden to shift onto the remaining parcels in both the affected township and the entire county. Simply stated, the real estate taxes would be lower for the nearby residents but would increase for the remaining properties in the township and would also increase the real estate taxes on the entire county. I searched property values in our neighborhood here in Yucatan Township and there is approximately 18 million dollars' worth of property located less than 1/2 mile from an existing sand mine. Legally, the County Assessor's Office must appraise property according to market research and sales every five years and then reviewed extensively by the Department of Revenue. They should not hide the fact that mines are now allowed to cluster together, and therefore must reduce property value. Allowing mine density standards to be removed places an unnecessary additional real estate burden on property owners in Houston County that could be avoided. The public is already concerned about rising real estate taxes. In the above scenario, a 20% reduction in 18 million dollars' worth of property is a large drop in value that ultimately raises taxes on others, and this scenario could replicate throughout the entire county for years to come without mine density standards.

Your support of the 1/2 mile mine density standards will show the people of this county you are making a fiscally smart decision for Houston County and the tax paying citizens.

Sincerely

Cory and Jackie Baker

Yucatan and Money Creek Townships

Sources:

- Iowa Initiative for Sustainable Communities. (University of Iowa).
- Environmental Working Group (EWG). Sandstorm

February 20, 2026

Houston County Planning and Zoning Office
Attn. Amelia Meiners, Zoning Administrator
304 S. Marshall St.
Caledonia, MN 55921

Re: Petition to Amend Houston County Zoning Ordinance Section 27 – Mineral Extraction

Dear Ms. Meiners,

Petitioners Cory and Jackie Baker, Rose Mary Iversen, and Scott and Cindy Hatleli (collectively “Petitioners” respectfully submit this Petition to Amend Houston County Zoning Ordinance Section 27 – Mineral Extraction (“the Petition”) for the Houston County Planning Commission’s review and recommendation to the Board of County Commissioners for approval. The above-named Petitioners are all directly affected by a March 18, 2025, amendment to the Houston County Zoning Ordinance which removed mining density standards because all Petitioners currently live or own property near an existing sand mine in Yucatan Township, Houston County.

I. Exhibit.

The following exhibit is attached to, and submitted in connection with, this Petition:

1. Exhibit 1 – Approved Text Amendments to Zoning Ordinance for Mineral Extraction – Approved 3/18/25

II. Background.

In or around 2014 through 2016, the Houston County Board of County Commissioners considered an ordinance for mineral extraction and mining. When the mineral extraction ordinance was initially considered, there was significant community input and intense debate. In fact, many members of the public supported an outright ban on certain types of sand mining in Houston County. Other members of the public, as an alternative to an outright ban, supported regulation of such sand mining in the county. Ultimately, a mine density standard was adopted, requiring ALL sand mining permits be limited to sites located no closer than ½ mile from existing permitted or legal non-conforming sand mines. Realistically, this density standard was adopted for the simple reason that the community did not support unregulated sand mining operations in Houston County. Nonetheless, since then, the ordinance was amended to reduce regulations. This time, without public input.

On or about January 16, 2025, G-Cubed Development, Inc. (“G-Cubed”), a Minnesota business corporation, submitted a petition to amend the text of Sections 27.3 and 27.8 of the Houston County Zoning Ordinance (the “Ordinance”). On February 27, 2025, the Planning Commission held a Zoning Amendment Hearing regarding G-Cubed’s petition. No members of the public testified at the hearing. In fact, Houston County Planning Commission member Franklin Hahn

even suggested that the county should get public comments on the proposed amendments. Ultimately, and upon information and belief, no public comments were received. Petitioners respectfully submit this in no small part due to the fact that the public received minimal notice, and in the case of some, including Petitioners, no notice.

The notice of the public hearing ran only once, on February 12, 2025, in the Caledonia Argus. Importantly, the Caledonia Argus is not distributed to the entirety of Houston County, including the far west side of the county where each of the Petitioners reside or own property. Nonetheless, on March 18, 2025, the Board of County Commissioners approved G-Cubed's proposed text amendments to Sections 27.3 and 27.8 of the Ordinance.

Petitioners bring this Petition in light of these text amendments which, in effect, eliminated minimum mine density standards for sand mines. Petitioners are directly impacted by the removal of the density standards as Petitioners reside or own property near an existing sand mine.

With respect to the text amendments at issue, the change to Section 27.3 of the Ordinance added definitions for two terms: "construction minerals" and "industrial minerals." Pursuant to this amendment, "construction minerals" is defined to include "sand that is produced and used for local construction purposes." (Exhibit 1.) The term "industrial minerals" includes "silica sand" as that term is defined by Minn. Stat. § 116C.99, subd. 1(d). (*Id.*) Under statute, "silica sand:"

[m]eans well-rounded, sand-sized grains of quartz (silicon dioxide), with very little impurities in terms of other minerals. Specifically, the silica sand for the purposes of this section is commercially valuable for use in the hydraulic fracturing of shale to obtain oil and natural gas. **Silica sand does not include common rock, stone, aggregate, gravel, sand with a low quartz level, or silica compounds recovered as a by-product of metallic mining.**

Minn. Stat. §116C.99, subd. 1(d)(emphasis added).

While the addition of these two new defined terms is not necessarily problematic in and of itself, the interplay with the amendment to Section 27.8 of the Ordinance, titled "Operational Performance Standards," is troubling.

The text amendment to Section 27.8 of the Ordinance specifically modified subdivision 1(5), which is titled "Mine Density Standards." The text of the mine density standards was amended as follows:

New ~~sand~~ industrial mineral mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming ~~sand~~ industrial mineral mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.

The effect of this amendment is clear: sand not included in the definition of "industrial minerals" is not limited by the text of 27.8, subdivision 1(5). The original language regulated ALL sand

mining operations. Now there is a carve out for sand mining operations unrelated to “industrial minerals.”

This change to the mine density standards, and the complete lack of regulation for mining of sand will inevitably result in the concentration of multiple sand mines within a smaller area, worsening the impact on natural resources, increasing strain on infrastructure, and multiplying nuisance and health hazards in the area. This is of particular concern to Petitioners because their respective properties are located near an existing sand mine. Furthermore, as will be discussed in more depth below, the absence of mining regulations for sand has additional numerous and far-reaching consequences.

III. Petitioner’s Request: Re-Establish Minimum Mine Density Standards for All Sand Mining Operations because the Absence of Such Minimum Standards Negatively Impacts Houston County.

Petitioners request that the Ordinance re-establishes minimum mine density standards for all sand mining operations. Specifically, Petitioners requests Section 27.8, subdivision 1(5) of the Ordinance be amended back to the original density standard for new sand mines as follows:

(5) Mine Density Standards. New sand mining permits shall be limited to sites located no closer than 1/2 mile from all existing permitted or legal non-conforming sand mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.

Petitioners bring this request on the basis that the negative impacts to Houston County given the absence of a minimum density standard for sand mining operations are numerous and far-reaching. Without a minimum density standard for sand mining operations, sand mines can be located in close proximity to residential areas and agricultural lands. This will naturally lead to diminished property values and reduced attractiveness for prospective buyers. Increased mining near residential areas also exposes Houston County residents to increased levels of noise, air pollutants, and traffic, which in turn negatively impacts the community’s quality of life. Unregulated sand mining operations also threatens Houston County’s environment, as concentrated sand mining operations will strain natural resources and increase pollution. Re-establishing a minimum mine density standard for all sand mining operations is therefore *essential* to protecting the quality of life in Houston County, the health and safety of the county’s residences, and the preservation of Houston County’s environment.

Community feedback reflected in the Land Use Plan (pages 3-4) makes clear that residents deeply value Houston County’s natural beauty, peaceful rural character, clean environment and diverse habitats. People express a desire to protect the Driftless landscape, safeguard rare species, and prevent poor land-use decisions that could permanently alter the county’s character and degrade natural resources. “Natural Resource Protection/Environment Quality” is top priority among community members (page 4). Re-establishing the mine density standard directly supports these priorities by preventing overconcentration of sand mining activity, protecting air and water quality and preserving scenic and ecological resources.

Numerous goals and policies outlined in Houston County's 2040 Comprehensive Land Use Plan stress the importance of protecting the county's natural resources, the Karst landscape, water supply and surface water management. According to one of the values guiding the Land Use Plan, Houston County is committed to balancing access to materials with the protection of natural resources; the 1/2 mile sand mine density standard certainly plays a critical role in achieving that balance.

IV. Petitioners' Proposed Text Amendment Provides the Public an Opportunity to be Heard.

Also compelling is the fact that the public did not testify or submit comments regarding G-Cubed's amendment which in effect eliminated the density standards for a certain type of sand mining. When Ordinance was initially adopted in or around 2016, there was significant community input and intense debate regarding the issues involved. Specifically, the public raised many concerns regarding sand mining operations in Houston County, and ultimately, the decision was made to regulate ALL sand mining operations with a minimum density requirement. By virtue of the amendments proposed by G-Cubed and approved by the Board of County Commissioners, that decision was walked back without any input from the public. The public should have a meaningful opportunity to provide input. Petitioners' proposed amendment invites an opportunity for such input, discussion, and debate.

V. Petitioners' Proposed Text Amendment Is Necessary to Carry Out Houston County's 2040 Comprehensive Land Use Plan.

Petitioners submit that the request to re-establish minimum mine density standards for all sand mining operations is necessary to carry out Houston County's Comprehensive Land Use Plan ("Land Use Plan") and will not otherwise affect the Ordinance generally.

One of Houston County's goals as articulated in the Land Use Plan is to "promote agriculture as a viable, permanent land use and as a significant economic activity in the County." (Goal 2.2.) A second goal is to "protect and enhance air, water, and land resources in the County as a vital part of the quality of life." *Id.*, Goal 2.3. The Land Use Plan makes clear through its stated goals, and related policies, that Houston County prioritizes supporting agriculture and protecting natural resources, among other things.

Petitioners' proposed amendment serves these priorities. Re-establishing a minimum density requirement for sand mining operations would ensure sand mining operations are prohibited from operating in close proximity to agricultural land. This certainly preserves the viability of agricultural land, as sand mining operations in close proximity to agricultural land are inherently damaging to agricultural operations. For example, air pollution and dust from nearby sand mine operations can negatively affect crop viability. Moreover, fuel and other chemicals used in the process of sand mining operations can leach into the water table, negatively impacting water sources used for irrigating crops, local rivers, tributaries and private wells.


With respect to the environment more generally, as noted above, the absence of a minimum mine density standard for sand mining operations will strain local natural resources, and increase

pollution in the community. In addition, the following notable priorities are included in the Land Use Plan; Goal 1.2 “protect the major natural resource areas of the County including floodplains, wetlands, steep bluffs and hardwood forests, so they will serve as a basis for recreation and logging in the County”, protecting the Karst terrain (page 23), protect the County’s drinking water supply that is acquired primarily from ground water sources (pages 44-45, Goal 3.3 Policy 1 & 2), surface water management (pages 46-48, Goal 3.4). As such, re-establishing a 1/2 mile minimum mine density standard for all sand mines is certainly compatible with the Land Use Plan’s goal of protecting natural resources. Moreover, the density standard serves as a key regulatory safeguard in achieving an appropriate balance between material access and natural resource protection.

VI. Conclusion.

The public deserves a meaningful opportunity for input regarding amendments to the Ordinance. The public did not have such an opportunity when the minimum in density standard for certain sand mining operations was eliminated in March of 2025. This Petition, at a minimum, provides that opportunity. Substantively, re-establishing a minimum mine density standard for all sand mining operations will protect residences’ quality of life, promote agriculture, and better preserve Houston County’s natural resources. The density standard serves as a critical safeguard for our air, water and natural resources, preventing overconcentration of sand mining activity, while permitting reasonable access to materials. Preserving this balance is fundamental to honoring the commitments outlined in the Land Use Plan. For all these reasons, Petitioners respectfully request the Houston County Planning Commission review and recommend Petitioners’ proposed text amendment to Section 27.8 of the Ordinance and that the Board of County Commissioners approves the same.

Should the Planning Commission have any questions or requests for additional information, please do not hesitate to reach out the Petitioners’ attorney at:

Burns and Hansen, P.A.
8401 Wayzata Boulevard, Suite 300
Minneapolis, Minnesota 55426


Thank you for your time and consideration.

Sincerely,

/s/ Cory Baker

Address: 22848 State Hwy 16
Rushford, MN 55971

/s/ Jackie Baker

Address: 22848 State Hwy 16
Rushford, MN 55971

/s/ Rose Mary Iversen

Address: 2835 Casco Point Rd
Wayzata, MN 55391

/s/ Scott Hatleli

Address: 23263 Hateleli Dr.
Rushford, MN 55971

/s/ Cindy Hatleli

Address: 23263 Hateleli Dr.
Rushford, MN 55971

Exhibit 1

Section 27.3 – Mineral Extraction Definitions

- a. Add definition of construction minerals as follows: The term “construction minerals” includes natural common rock, stone, aggregate, gravel and sand that is produced and used for local construction purposes, including road pavement, unpaved road gravel or cover, concrete, asphalt, building and dimension stone, railroad ballast, decorative stone, retaining walls, revetment stone, riprap, mortar sand, construction lime, agricultural lime and bedding for livestock operations, sewer and septic systems, landfills, and sand blasting. The term “construction minerals” does not include “industrial minerals” as defined below.
- b. Add definition of industrial minerals as follows: The term “industrial minerals” includes naturally existing high quartz level stone, silica sand, quartz, graphite, diamonds, gemstones, kaolin, and other similar minerals used in industrial applications, but excluding construction minerals as defined above. Silica sand is categorized as an industrial mineral by the Minnesota Department of Natural Resources and the North American Industry Classification System under classification no. 212322. “Silica sand” has the meaning given in Minnesota Statutes, Section 116C.99, subd. 1 (d): “Silica sand’ means well-rounded, sand sized grains of quartz (silicon dioxide), with very little impurities in terms of other minerals. Specifically, the silica sand for the purposes of this section is commercially valuable for use in the hydraulic fracturing of shale to obtain oil and natural gas. Silica sand does not include common rock, stone, aggregate, gravel, sand with low quartz level, or silica compounds recovered as a by-product of metallic mining.” Minn. State Section 116C.99, subd. 1 (d) “Silica sand project” has the meaning given in Minnesota Statutes, Section 116C.99 , subd. 1 (e): “Silica Sand project’ means the excavation and mining and processing of silica sand; the washing, cleaning, screening, crushing, filtering, drying, sorting, stockpiling, and storing of silica sand, either at the mining site or at any other site; hauling and transporting of silica sand; or a facility for transporting silica sand to destinations by rail, barge, truck, or other means of transportation.” Minn. State. Section 116C.99, subd. 1 (e).
- c. General formatting

Section 27.8 Subd. 1 (5) – Mine Density Standards

- d. Modify language as follows: New ~~sand~~-industrial mineral mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming ~~sand~~-industrial mineral mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.

Not included in original packet.

From: [Joyce Roffler](#)
To: [HoCo Zoning](#)
Cc: [Amelia Meiners](#)
Subject: Public comment in SUPPORT of Burns & Hansen application (1/2 mile)
Date: Tuesday, March 17, 2026 10:40:06 PM

***** HOUSTON COUNTY SECURITY NOTICE *****
 This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact HelpDesk.

Hello,

I am writing in support of the application submitted by Burns and Hansens, PA asking to reinstate Sect 27 .8 Sub 1 (5) Mine Density Standards: **New sand mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non - conforming sand mines.** Note : That this rule had been in place for 9 years before it was removed last March 2025. Please help protect the unique beauty and our wide open spaces that we are blessed to call our home.

"The unregulated density of sand mining operations will cause cumulative harm to our environment, blufflands, roads, and communities. When mines are clustered together, the negative impacts—such as water pollution, air quality issues, traffic congestion, and disruption to daily life—are multiplied."

Here are some additional things that will be at risk and impacted - if there is no established density standard required between sand mines :

- Alteration of groundwater flow regime;
- Physical disturbance, especially the removal of confining layers that afford some geologic protection to aquifers used for water supply (causing increased vulnerability to groundwater contamination);
- Change in recharge patterns;
- Alteration of surface water flow.
- Paleozoic Plateau
- Major change to landscape
- Loss of forest and prairie habitat
- Loss of open space
- Increase in water pollution
- Loss of landscape aesthetics
- Reduction in recreational use and enjoyment
- Hydrologic changes including functionality of edge effect
- Degradation of trout habitat
- Loss of Species of Greatest Conservation Needs
- Loss of habitat corridors provided by steep slopes and tops of bluffs
- Increased vulnerability to invasive species
- Cultural resources such as burial mounds, rock shelters and caves, rock art, cultural landscapes, and traditional cultural properties/sacred sites

- Air pollutants, noise, light, visual, vibration and stormwater
- Impacts to users of streets, roads, and highways
- Incursions into the road structure
- Impacts to intrinsic qualities of parkways, scenic byways, and designated trails
- Safety threats to established recreational and non-motorized road uses by implementation of heavy haul routes on certain road segments.
- Increased risk to health and life of culturally distinct community members in the southeast
- Economic damage to the area due to degradation of tourism and recreational uses
- General safety risks and conflicts for all road users on designated routes
- Degradation of fish and wildlife habitat
- Impacts to state protected species
- Impacts on existing groundwater pollution plumes
- Well interference complaints
- Water use conflicts
- Floodwater contamination
- Groundwater contamination
- Alteration of surface water flow
- Rerouting of the stream
- Loss of wetland buffer
- Accelerated erosion
- Loss of berm or bank
- Loss of vegetative buffer
- Increased sedimentation
- Effect on historic properties
- Loss of property values

Thank you for your time and consideration.

Sincerely,
Joyce Roffler
Rushford, MN
Yucatan Township

Proposed Findings:

1. Community members and their values are at the core of Houston County's Comprehensive Land Use Plan (the "Plan").
2. Protecting Houston County's natural resources and the quality of the environment was the top priority among community members who participated in the feedback process regarding the Plan. The plan's summary of public engagement highlights "Houston County is a beautiful place," and that the plan needs to "Balance needs of agricultural community and the environment."
3. Community feedback regarding this proposed amendment to reestablish the ½ mile density standard makes clear that the community deeply values protecting Houston County's exceptional natural beauty, safeguarding the environment from pollution, and promoting the health, safety, and quality of life of residents.
4. The County adopted a ½ mile density restriction on sand mining following a contentious community process in 2014 to 2016. The ½ mile restriction was a compromise reached after significant debate.
5. In or around March of 2025, Houston County amended the zoning ordinance to eliminate the ½ mile density standard regarding "construction" sand mining operations. The public participation in this amendment process was minimal.
6. While there are end-use differences between the mining of "industrial" sand and "construction" sand, the differences in production are not significant, and does not justify removing the density restriction on "construction" sand mining. A 20 acre "construction" sand mine has the same negative impacts as a 20 acre "industrial" sand mine when considering the environment, natural resources, property value, and residents.
7. The health risk from airborne silica particles created by sand mining is substantially different from the risks posed by rock and aggregate production, and require a different regulatory approach.
8. The proposed amendment to reestablish the ½ mile density standard serves as a safeguard against the overconcentration of sand mining activities.
9. The overconcentration of sand mining activities negatively impacts the quality of Houston County's environment, its natural resources, and the quality of life for community members.
10. Goal 1.2 of the Plan is to "protect the major natural resource areas of the County including the floodplains, wetlands, trout streams, steep bluffs, and hardwood forests, so they will serve as a basis for recreation and logging in the County." The proposed amendment serves this goal by protecting against the negative impacts of overconcentrated sand mining activities.
11. Goal 2.3 of the Plan is to "protect and enhance air, water, and land resources in the County as a vital part of the quality of life." Again, the proposed amendment serves this goal by protecting against the negative impacts of overconcentrated sand mining activities.

REQUEST APPROVAL FOR PAYMENTS**2026/04/07 COMMISSIONER WARRANTS:**

VENDOR NAME	AMOUNT
CALEDONIA OIL CO INC	4,636.70
CDW GOVERNMENT	4,923.78
CENTEC CAST METAL PRODUCTS	3,568.14
COMPUTER FORENSIC SERVICES LLC	48,301.41
DELTA DENTAL	7,939.64
GREAT LAKES SALT COMPANY	37,144.84
GROUNDBREAKING CONNECTIONS LLC	7,083.33
INSIGHT PUBLIC SECTOR	7,716.50
INTERSTATE BILLING SERVICES	19,202.37
IUOE LOCAL 49 FRINGE BENEFIT FUNDS	28,475.00
LIBERTY TIRE RECYCLING LLC	3,716.45
MASTER'S TOUCH INC/THE	6,739.29
MEDICA	258,219.76
MN DEPT OF CORRECTIONS	56,439.72
MN LIFE INSURANCE COMPANY	2,679.11
OLYMPIC BUILDERS GENERAL CONTRAC	132,525.00
ONSOLVE INTERMEDIATE HOLDING COM	8,690.05
TRAFFTECH INC	8,421.64
VANGUARD APPRAISALS INC	3,040.00
VERIZON WIRELESS	2,678.52
ZIEGLER INC	7,553.37
	<u>659,694.62</u>
42 VENDORS PAID LESS THAN \$2000.00	23,744.44
	<u>683,439.06</u>
PUBLIC HEALTH & HUMAN SERVICES	17,843.77
	<u><u>701,282.83</u></u>



HOUSTON COUNTY

BOARD OF COMMISSIONER MEETING

AGENDA REQUEST FORM

Historic Courthouse
304 S Marshall Street
Caledonia, MN 55921

Board Meeting Date: April 7, 2026
Date Request Submitted: April 1, 2026
Submitted By (Name and Title): Brian Pogodzinski, County Engineer

Please fill in item(s) requested for agenda in correct category below. Add numbers as needed.

Appointment Request:

Consent Agenda Request:

1)

Action Item Request:

- 1) Board to consider awarding the 2026 Chloride bid to Bluff Country Brine. Bluff Country Brine's bid was for \$1.538 for chloride delivered and \$1.68 for chloride delivered and applied. (Pogodzinski)
- 2) Board to consider approving a quote for the replace of overhead garage doors. (Pogodzinski)
- 3) Board to consider approving a quote from Addco Acquisition, LLC through their distributor Surefitter for message boards. Their quote is on the State Bid for \$25,122. (Pogodzinski)

Discussion Item:

1)

Background/additional information can be typed below and/or included with request:

Abstract for Chloride attached.
Abstract for Garage Door repairs attached.
Quote from Surefitters attached.

Note: Please submit all agenda request forms and supporting documentation to the BOC email at **BOC@HoCoMN.gov** by noon the Thursday before each BOC meeting to be included on the agenda. If your department needs a resolution number, please ask for the number ahead of time via the BOC email. Resolutions should be emailed in word format so they can be easily copied and pasted into the meeting minutes. Departments are responsible for scheduling their own public hearings, but please email the BOC to verify a date and time is available prior to advertising the hearing to ensure we do not double book times. Questions regarding agenda requests and board meetings can be sent to the BOC email. Thank you!

**ABSTRACT OF BIDS
HOUSTON COUNTY, MINNESOTA**

CALCIUM CHLORIDE QUOTE
March 18, 2026 1:00 p.m.

Item #	Item	Contractor	Unit	Bluff Country Brine	Knife River	Envirotech Services Inc	Northern Salt Inc
				Unit Price	Unit Price	Unit Price	Unit Price
1	Delivered by tanker truck to Caledonia	Gallons		1.538	1.600	1.730	1.716
2	Delivered & Applied to various county roads	Gallons		1.680	1.760	1.930	1.820
	Minimum Transport load	Gallons		4,100.00	4,000.00	4,000.00	4,200.00

Cashier's Check

Bond

Bond

Bond

Houston County Highway Department 2026 Garage Doors

Garage Door Location	Tri-State Doors	La Crosse Overhead Door	Overhead Door
Spring Grove Shop	31,950.00	35,158.00	38,789.00
		(25,918+9,240)	
Hokah Shop	7,778.00	7,739.00	8,562.00
Houston Shop	17,555.00	17,231.00	21,405.00
		(8,602+8,629)	
Discount for doing all doors	(2,500.00)	(4,900.00)	
Total Cost	54,783.00	55,228.00	68,756.00



Sales Rep: John Holman
Prepared for: Houston County Public Works
 1124 East Washington St.
 Caledonia, MN 55921

Ship To: Houston County Public Works
 1124 East Washington St.
 Caledonia, MN 55921

Contact: Jordan Goeden **Phone:** (507)725-3925 **Email:** jgoeden@hocomn.gov

Requested by: Jordan Goeden

This Quote is valid through 08/01/2026

Ship Via: Will Call

Est. Lead Time (after receipt of Signed Order) 28-42 Days

Tariff Update: If any component pricing is impacted by tariffs between the time of this Proposal and the completion of the project, we reserve the right to pass on increases.

ITEM NO.	DESCRIPTION	QTY	PRICE	EXT. PRICE
800-0004-01-W-SD-ADD	ASSY, VMS 4X1 HD4-30 VFM, WITH/ADDCO SC8 RACK MOUNT	3	\$7,199.00 / EA	\$21,597.00

ITEM NO.	DESCRIPTION	QTY	PRICE	EXT. PRICE
OPTION	PERIMETER LED WARNING LIGHTS,/AMBER, 18	3	\$1,100.00 / EA	\$3,300.00

ITEM NO.	DESCRIPTION	QTY	PRICE	EXT. PRICE
SHIP-SB	DROP SHIPPING CHARGE, TBD/AT TIME OF SHIPMENT	1	\$225.00 / EA	\$225.00

PROJECT TOTAL (BEFORE TAX): \$25,122.00

ALL ITEMS ARE ON MN STATE CONTRACT NO. 279461 ADDCO ACQUISITION UNLESS MARKED "NCI" (NON-CONTRACT ITEM)

THE PARTIES AGREE THAT THE TERMS AND CONDITIONS ATTACHED HERETO OR ON THE BACK SIDE OF THIS ORDER ARE INCORPORATED HEREIN AND A PART OF THIS ORDER.

ACCEPTED BY: _____

ACCEPTED DATE: _____